



THE SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA

Chief Justice Ronette Sutton

Justice Eric Freeman

Justice Emily Deese

Justice Tona Jacobs

Justice Edward Brooks

Tribal Member, Larmari Louise Mitchell,)
of the federally recognized Lumbee Tribe)
of North Carolina on behalf of Tribal)
Members,)
Petitioner,)
v.)
Tribal Chairman, John Lowery, and)
Speaker, Alex Baker, on behalf of the)
Tribal Counsel, all who signed the NDA,)
Respondents.)

Case No.: 2026-002

OPINION AND ORDER

Chief Justice Ronette Sutton delivered the opinion of the Court.

**FINAL ORDER DISMISSING REMAINING RECORDS-DISCLOSURE CLAIM WITH
PREJUDICE FOR LACK OF EXHAUSTION OF THE TRIBAL DISCLOSURE ORDINANCE
PROCESS; CONFIRMING ADMINISTRATIVE COURT JURISDICTION UNDER CLLO-2010-
0318-01**

THIS MATTER came before the Supreme Court of the Lumbee Tribe of North Carolina upon the Petitioner's Petition; Respondents' Motion to Dismiss; the parties' written submissions, arguments, oral proffers, and materials offered during the October 1, 2026, hearing; the Court's prior Orders; the Lumbee Constitution; CLLO-2010-0318-01, An Act to Govern the Lumbee Tribe Disclosure Ordinance; and the record in this matter.

The Court previously dismissed without prejudice Petitioner's claim seeking removal of elected officials, dismissed as moot Petitioner's claim seeking release of persons from non-disclosure agreements, dismissed Lumbee Tribe Holdings, Inc. without prejudice, and vacated Petitioner's pending subpoena requests without prejudice. The Court then limited the remaining proceeding to the threshold issue of whether Petitioner properly invoked and exhausted the Lumbee Tribal Disclosure Ordinance, including any required Administrative Court process, before seeking Supreme Court relief concerning transaction-related records and expenditure information.

The Court conducted a threshold hearing on October 1, 2026. Having considered the applicable tribal law, the record, the parties' arguments, and Petitioner's statements during that hearing, the Court enters the following Findings of Fact, Conclusions of Law, and Final Order.

The Court further considers and applies the governing precedent of *Purcell Jones, Jr. v. Sheila Beck, Freda Porter, and Harvey Godwin, Jr.*, Case No. 2017-001 (Lumbee Tribe Sup. Ct. Mar. 10, 2017). In *Purcell Jones*, the Supreme Court addressed a petition brought under the same Lumbee Tribal Disclosure Ordinance, CLLO-2010-0318-01, and held that where the petition contained no indication that the petitioner first filed the disclosure matter in Administrative Court or obtained an Administrative Court ruling, the Disclosure Ordinance had not been properly followed before Supreme Court review was sought. The Court dismissed the petition on that basis.

I. FINDINGS OF FACT

1. Petitioner initiated this matter by filing a Petition in the Supreme Court of the Lumbee Tribe of North Carolina, assigned Case No. 2026-002.
2. The Petition raised allegations and requested relief related to the Chicken Road/Exit 10 property transaction and related issues concerning tribal governance, financial information, corporate activities, tribal records, and compliance with tribal law.
3. Among other relief, Petitioner requested records and information concerning the transaction, including expenditures, purchase-related documents, disbursements, legal fees, consultant fees, actions of Tribal Council or its committees, resolutions, votes, financial reports, and related records.
4. The Court previously dismissed without prejudice Petitioner's claim seeking removal of elected officials because the Lumbee Constitution reserves the recall process to the general membership and the Tribal Elections Board under Article IV of the Constitution.
5. The Court previously dismissed as moot Petitioner's claim seeking the release of persons from non-disclosure agreements related to the property transaction.
6. The Court previously dismissed Lumbee Tribe Holdings, Inc. as a Respondent without prejudice, without determining whether it possesses responsive records, is subject to a disclosure obligation, has committed a violation of tribal law, or could be a proper party in a future ripe and properly pleaded proceeding.
7. The Court previously vacated Petitioner's pending subpoena requests without prejudice because the requested testimony and documents were premature until the threshold exhaustion issue was resolved.
8. The Court's September 29, 2026, Order expressly limited further proceedings to whether Petitioner properly invoked and exhausted the procedures required by CLLO-2010-0318-01, including any applicable administrative or Administrative Court process, before seeking Supreme Court relief concerning transaction-related documents and expenditure information.
9. The Court's September 29, 2026, Order directed Petitioner to identify, among other matters, each disclosure request on which Petitioner relied; the date, recipient, method of delivery, and content of each request; any response, denial, partial production, referral, or nonresponse; any Administrative Court proceeding initiated; and the factual and legal basis for any asserted exception to exhaustion.
10. Petitioner submitted or relied upon a written request dated March 26, 2026, addressed to the Interim Tribal Administrator and invoking the Lumbee Tribal Disclosure Ordinance.
11. The March 26, 2026, request sought records related to the Chicken Road/Exit 10 transaction, including records concerning resolutions, votes, actions, findings, recommendations, appropriations,

expenditures, debt, reports, notices, and documents related to Lumbee Tribe Holdings, Inc. and related entities.

12. Section 5.1 of CLLO-2010-0318-01 requires requests to review information to be submitted in writing to the Tribal Administrator, or in the Tribal Administrator's absence, to a representative designated by the Tribal Administrator, and requires that such requests specify the information sought.
13. Under Section 5.2 through Section 5.6 of CLLO-2010-0318-01, the Tribal Administrator must verify a requestor's tribal membership, consult with the appropriate program director, issue a written determination on the request, favor disclosure in making that determination, direct release where appropriate, and state the basis for a denial where release is denied.
14. Section 5.10 of CLLO-2010-0318-01 authorizes a timely notice of extension, not exceeding six months, in unusual circumstances, including the need to search for records at separate locations, examine voluminous records, or consult among tribal components with a substantial interest in the request.
15. Section 6 of CLLO-2010-0318-01 recognizes that certain categories of records may be exempt from disclosure or otherwise protected, including records implicating privacy interests, trade secrets, law-enforcement matters, internal or draft materials, attorney-client privilege, attorney work product, confidentiality agreements, and confidentiality imposed by tribal, federal, or state law.
16. Section 7.1 of CLLO-2010-0318-01 provides:

“On complaint, by the requestor, or the tribal program director to whom the request is directed, the Administrative Court shall have jurisdiction to decide the lawfulness of withholding a properly requested record.”
17. Section 7.1 further authorizes the Administrative Court to order production of a record improperly withheld, deny production in whole or in part, apply a de novo standard of review, and examine contested records in camera to determine whether they should be produced or withheld.
18. Section 7.2 authorizes the Administrative Court to declare that the necessary findings supporting the Tribal Administrator's decision are unsupported by reasonable evidence or that conclusions of law are incorrect, and to remand the matter to the Tribal Administrator with instructions.
19. Section 7.3 directs the Administrative Court to give deference to the Tribal Administrator's reasonable interpretation and application of the Disclosure Ordinance.
20. At the October 1, 2026, hearing, Petitioner acknowledged that she did not file a complaint in the Administrative Court under Section 7.1 of CLLO-2010-0318-01.
21. Petitioner argued that she could not file a complaint in the Administrative Court because she had not received a response from the Tribal Administrator concerning her records requests.
22. Petitioner thus asserted that the alleged absence of a written response from the Tribal Administrator prevented her from invoking the Administrative Court's jurisdiction under Section 7.1.
23. Petitioner did not establish that she filed an Administrative Court complaint alleging that the Tribal Administrator failed to issue a timely written determination, failed to issue a valid extension, failed to produce requested records, or otherwise unlawfully withheld any requested record.
24. Petitioner did not present an Administrative Court order addressing whether her requests were properly submitted; whether an extension applied; whether any record was responsive, exempt,

privileged, confidential, in the custody or control of a proper custodian, or otherwise properly withheld; or whether production should be ordered.

25. Petitioner did not present an Administrative Court order directing production, denying production, ordering in camera review, remanding the matter to the Tribal Administrator, or otherwise resolving a records-withholding dispute under Section 7.
26. Petitioner did not establish that the Administrative Court was unavailable to hear a Section 7.1 complaint.
27. Petitioner did not establish that the remedy provided by Section 7.1 was inadequate, futile, incapable of addressing an alleged nonresponse, or otherwise subject to a legally recognized exception to exhaustion.
28. The Court has not reviewed any disputed record in camera.
29. The Court has not determined whether the Tribal Administrator responded or failed to respond to any request, whether any response or nonresponse complied with Section 5, whether Petitioner's requests were properly submitted, whether any requested record exists, or whether any requested record is subject to production or lawful withholding.
30. The Court has not determined the merits of the Chicken Road/Exit 10 transaction; any alleged violation of tribal law; the prudence, value, legality, financing, or propriety of the property transaction; the conduct of any elected or appointed official; or the merits of any claim against a party or nonparty.
31. In *Purcell Jones, Jr. v. Sheila Beck, Freda Porter, and Harvey Godwin, Jr.*, Case No. 2017-001, the petitioner filed an action in the Supreme Court under CLLO-2010-0318-01.
32. The Supreme Court in *Purcell Jones* observed that Section 7.1 of CLLO-2010-0318-01 provides that the Administrative Court has jurisdiction to decide the lawfulness of withholding a properly requested record.
33. The Court in *Purcell Jones* found that the petition did not contain information showing that the petitioner filed the matter in the Administrative Court and did not include an Administrative Court ruling.
34. The Court in *Purcell Jones* concluded that the Disclosure Ordinance had not been properly followed before the petition was filed in the Supreme Court and dismissed the petition.

II. CONCLUSIONS OF LAW

1. Under Article IX of the Lumbee Constitution, the judicial power of the Lumbee Tribe resides in the Supreme Court and such inferior courts as the Tribal Council may establish. Where the Tribal Council has established inferior courts, the Supreme Court has appellate jurisdiction over cases and controversies arising under tribal ordinances.
2. The governing rule of law in this matter includes the Lumbee Constitution, duly adopted tribal ordinances, and Lumbee custom.
3. CLLO-2010-0318-01 establishes the Lumbee Tribe's procedure for tribal members to seek access to tribal government records and for the Tribe to evaluate whether a requested record should be produced, withheld, redacted, or otherwise protected from disclosure.

4. Section 5 of CLLO-2010-0318-01 prescribes the initial process for a written records request, including submission to the Tribal Administrator, membership verification, consultation as appropriate, a written determination, notice of denial with reasons where release is denied, and an authorized extension in unusual circumstances.
5. Section 7.1 of CLLO-2010-0318-01 provides that, “[o]n complaint, by the requestor, or the tribal program director to whom the request is directed, the Administrative Court shall have jurisdiction to decide the lawfulness of withholding a properly requested record.”
6. Section 7.1 authorizes the Administrative Court to order production of a record that was improperly withheld, deny production in whole or in part, apply a de novo standard of review, and inspect contested records in camera to determine whether they should be produced or withheld.
7. Section 7.2 authorizes the Administrative Court to remand a matter to the Tribal Administrator with instructions when it concludes that necessary findings are unsupported by reasonable evidence or that the conclusions of law are incorrect.
8. The text of Section 7 assigns the Administrative Court, not the Supreme Court in the first instance, the responsibility to decide a dispute over the lawfulness of withholding a properly requested record.
9. The Supreme Court has previously interpreted and applied this same requirement in *Purcell Jones, Jr. v. Sheila Beck, Freda Porter, and Harvey Godwin, Jr.*, Case No. 2017-001 (Lumbee Tribe Sup. Ct. Mar. 10, 2017).
10. In *Purcell Jones*, the petitioner sought relief under CLLO-2010-0318-01 but did not show that the disclosure matter had first been filed in the Administrative Court or that an Administrative Court ruling had been obtained.
11. The Supreme Court in *Purcell Jones* held that the Disclosure Ordinance had not been properly followed before the petitioner sought Supreme Court relief and dismissed the petition.
12. *Purcell Jones* establishes that a petitioner seeking records-disclosure relief under CLLO-2010-0318-01 must first invoke the Administrative Court procedure prescribed by Section 7.1 and may not seek initial Supreme Court adjudication of the record-withholding dispute without completing that required step.
13. The procedural holding of *Purcell Jones* applies here. Petitioner seeks Supreme Court relief concerning alleged nonproduction, withholding, or disclosure of records under CLLO-2010-0318-01, yet Petitioner acknowledged that she did not file a complaint in the Administrative Court under Section 7.1.
14. Petitioner contends that she could not invoke the Administrative Court because the Tribal Administrator did not respond to her requests. That argument does not distinguish this case from the exhaustion requirement recognized in *Purcell Jones* or excuse Petitioner’s failure to invoke Section 7.1.
15. A requestor’s allegation that the Tribal Administrator did not issue a timely written determination, did not issue a lawful extension, or did not produce a properly requested record is an allegation of nonproduction or withholding that the Administrative Court is empowered to address under Section 7.1.
16. The alleged nonresponse did not eliminate the remedy provided by Section 7.1. Rather, it supplied the alleged withholding or nonproduction that Petitioner was required to present to the Administrative Court in the first instance.

17. The Administrative Court has authority to determine whether Petitioner's requests were properly submitted, whether a response deadline or valid extension applied, whether the alleged nonresponse was lawful or unlawful, whether any requested record is responsive or within the Ordinance's scope, whether a record exists or is held by a proper custodian, whether an exemption or privilege applies, and whether disclosure, partial disclosure, denial, in camera review, or remand is appropriate.
18. Because Petitioner did not initiate a Section 7.1 proceeding, there is no Administrative Court record, order, or determination for Supreme Court review.
19. Petitioner did not establish that the Administrative Court remedy was unavailable, inadequate, futile, or subject to any other legally recognized exception to exhaustion.
20. Under *Purcell Jones* and the plain language of CLLO-2010-0318-01, Section 7.1, Petitioner failed to exhaust the mandatory tribal disclosure-review procedure before seeking Supreme Court records-disclosure relief.
21. The Court therefore cannot adjudicate in the first instance whether the alleged nonresponse or withholding was lawful; whether any record should be produced; whether any privilege, exemption, or confidentiality protection applies; or whether the requested materials are maintained by a proper custodian.
22. Dismissal with prejudice is appropriate as to Petitioner's current attempt in this case to obtain initial Supreme Court records-disclosure relief without first invoking the Administrative Court process required by Section 7.1.
23. This dismissal does not decide the merits of any prospective and properly filed Administrative Court complaint. It does not decide whether Petitioner properly requested a particular record, whether a record was unlawfully withheld, whether a record is disclosable, or whether the Tribal Administrator's alleged nonresponse complied with the Ordinance.
24. The result is also consistent with *Dr. Kenneth L. Bowen v. Lumbee Tribe of North Carolina Election Board*, Case No. 2025-004, which recognizes that a petition must identify a specific legal violation and present a concrete dispute suitable for judicial resolution, rather than request an open-ended investigation or judicial supervision of political decision-making. Petitioner's unexhausted records claim does not present a disclosure controversy ripe for Supreme Court adjudication because the record-specific issues assigned by ordinance to the Administrative Court have not been litigated or resolved there.

III. FINAL ORDER

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. Petitioner's remaining claim seeking Supreme Court relief concerning the alleged nonresponse, nonproduction, withholding, or disclosure of transaction-related records and expenditure information is **DISMISSED WITH PREJUDICE**.
2. Under CLLO-2010-0318-01, Section 7.1, the Administrative Court has jurisdiction to decide the lawfulness of withholding a properly requested record.
3. This Court's decision is compelled by the text of Section 7.1 and is consistent with *Purcell Jones, Jr. v. Sheila Beck, Freda Porter, and Harvey Godwin, Jr.*, Case No. 2017-001 (Lumbee Tribe Sup. Ct. Mar. 10, 2017), in which the Supreme Court dismissed a disclosure-based petition where the petitioner had not filed the matter in Administrative Court or obtained an Administrative Court ruling.

4. At the October 1, 2026, hearing, Petitioner acknowledged that she did not file an Administrative Court complaint under Section 7.1.
5. Petitioner's assertion that the Tribal Administrator did not respond to her records requests did not excuse exhaustion. The alleged nonresponse constituted the alleged withholding or nonproduction that Petitioner was required to present to the Administrative Court under Section 7.1.
6. A tribal member who contends that a properly submitted request has not received a timely written determination, that a requested record has not been produced, or that a record has been unlawfully withheld may file a complaint in the Administrative Court under Section 7.1.
7. In a properly filed Section 7.1 proceeding, the Administrative Court may determine whether the request was properly submitted, whether a Tribal Administrator response or extension was required and lawfully issued, whether a record has been withheld, whether withholding is lawful, and whether production, partial production, denial, in camera review, remand, or other relief is warranted under CLLO-2010-0318-01.
8. Nothing in this Order determines whether the Tribal Administrator did or did not respond to any particular request; whether any alleged nonresponse or delay was lawful or unlawful; whether any records were properly requested; whether any requested record exists; whether any record is held by a particular tribal custodian; whether any record is disclosable; or whether an exemption, confidentiality protection, attorney-client privilege, work-product protection, or other legal limitation applies.
9. Nothing in this Order adjudicates the merits of the Chicken Road/Exit 10 property transaction; any alleged violation of tribal law; the legality, wisdom, value, financing, or propriety of the transaction; the conduct or continued service of an elected or appointed official; or the merits of any substantive claim against any person or entity.
10. Nothing in this Order reinstates Lumbee Tribe Holdings, Inc. as a Respondent or alters the Court's prior dismissal of Lumbee Tribe Holdings, Inc. without prejudice.
11. Nothing in this Order waives tribal sovereign immunity, corporate immunity, jurisdictional objections, attorney-client privilege, work-product protection, confidentiality, statutory or common-law protections, or any other right, defense, objection, or immunity held by any party or nonparty.
12. The Court's prior vacatur of subpoena requests remains in effect. No subpoena or other compulsory process shall issue in this closed matter.
13. The Clerk shall enter this Order as a final judgment in Case No. 2026-002 and provide notice to the parties in accordance with the Court's established procedures.

IV. CLARIFICATION OF SCOPE AND ADMINISTRATIVE REMEDY

14. The Court has considered Petitioner's October 2, 2026 correspondence requesting a written order and clarification concerning the Court's order and its administrative remedy as issued at the conclusion of the October 1, 2026, hearing.
15. This Final Order dismisses with prejudice Petitioner's present claim in Case No. 2026-002 insofar as Petitioner sought initial Supreme Court relief concerning alleged nonresponse, nonproduction, withholding, or disclosure of records without first invoking the Administrative Court process prescribed by CLLO-2010-0318-01, Section 7.1.

16. This Final Order does **not** adjudicate the merits of any records request and does not bar Petitioner from pursuing a properly filed complaint in the Administrative Court under CLLO-2010-0318-01, Section 7.1 concerning an alleged withholding or nonproduction of a properly requested record.
17. Nothing in this Final Order determines whether Petitioner's prior requests were properly submitted, sufficiently specific, received by the appropriate official, subject to an authorized extension, timely answered, or lawfully denied; whether any requested record exists or is in the custody or control of a proper record custodian; or whether any record must be produced, redacted, or withheld. Those issues are reserved for the Administrative Court in the first instance in any properly filed Section 7.1 proceeding.
18. Section 5 of CLLO-2010-0318-01 governs the Tribal Administrator's responsibilities upon receipt of a properly submitted written request. Among other requirements, the Ordinance provides for membership verification, consultation with an appropriate program director, and issuance of a written determination. The Ordinance also authorizes a timely extension, not to exceed six months, in unusual circumstances.
19. Where a requestor alleges that the Tribal Administrator did not issue a timely written determination, did not issue a valid extension, or did not produce requested records, that alleged nonresponse or nonproduction may constitute the alleged withholding to be presented to the Administrative Court under Section 7.1.
20. The Court does not establish a deadline separate from, or in addition to, the procedures and time periods set forth in CLLO-2010-0318-01. The Administrative Court shall determine in the first instance whether a particular request was properly made, whether the Section 5 response period had elapsed, whether a valid extension applied, and whether the alleged withholding was lawful.
21. The Court's ruling rests on the text of CLLO-2010-0318-01 and is consistent with *Purcell Jones, Jr. v. Sheila Beck, Freda Porter, and Harvey Godwin, Jr.*, Case No. 2017-001 (Lumbee Tribe Sup. Ct. Mar. 10, 2017), which dismissed a Disclosure Ordinance petition brought in the Supreme Court where the petitioner had not first filed the matter in Administrative Court or obtained an Administrative Court ruling.
22. Nothing in this clarification waives or modifies any jurisdictional objection, immunity, privilege, confidentiality protection, defense, or right of any party or nonparty. Nothing in this clarification pre-judges a future filing in the Administrative Court.

The Petition is therefore DISMISSED with prejudice, per the Court's unanimous decision.

SO ORDERED, this 3rd day of October 2026, in Robeson County, North Carolina.

Chief Justice



Supreme Court of the Lumbee Tribe of North Carolina