



**THE SUPREME COURT OF THE LUMBEE TRIBE OF NORTH CAROLINA**

*Chief Justice Ronette Sutton*  
*Justice Eric Freeman*

*Justice Tona Jacobs*  
*Justice Emily Deese*  
*Justice Edward Brooks*

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Rick Barton, )  
Petitioner, )  
 )  
v. )  
 )  
The Lumbee Tribal Council &, )  
The Lumbee Tribal Election Board, )  
Respondent. )

Case No.: 2026-005

OPINION AND ORDER

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Chief Justice Ronette Sutton delivered the opinion of the Court.

**THIS MATTER** is before the Court on Petitioner Rick Barton’s Motion for Emergency Hearing and his request for temporary and preliminary injunctive relief in connection with his “Petition to the Court Emergency Hearing Request, Declaratory Judgment and Preliminary Injunction.” The Petition challenges proposed constitutional amendments related to gaming, the ballot language prepared for a special election, and the presentation of multiple amendments in a single referendum question scheduled for June 23, 2026. It requests that this Court immediately assume jurisdiction, conduct an emergency hearing, and postpone or restrain the referendum and certification of its results.

Under Section Two of the Judicial Codes of the Supreme Court of the Lumbee Tribe, the Supreme Court has original jurisdiction over cases and controversies arising under the Lumbee Constitution and ordinances of the Lumbee Tribe of North Carolina.

Section One further states that it is the policy of the Supreme Court to adjudicate disputes affecting the legal interests of tribal members arising under the Constitution and Ordinances in a fair and impartial manner.

Having reviewed the Petition, the Motion for Emergency Hearing, the verification, the certificate of service, and the exhibits attached to the filing, the Court concludes that Petitioner has not met the requirements for extraordinary emergency relief and that the motion and request for a preliminary injunction must be denied.

## **FINDINGS OF FACT**

1. The Petition alleges that on April 16, 2026, the Tribal Council of the Lumbee Tribe introduced and approved Ordinance CLLO-2026-0416-02, proposing four constitutional amendments related to gaming and directing the Lumbee Elections Board to conduct a referendum.
2. The exhibits show that Ordinance CLLO-2026-0416-02 was posted on April 16, 2026.
3. The Petition further alleges that the Elections Board scheduled a special election for June 23, 2026, and prepared ballot materials presenting the proposed amendments in a single proposition.
4. The Petition and accompanying Motion for Emergency Hearing assert that the proposed amendments affect rights recognized in Article VIII, Section 1(b) of the Lumbee Constitution, that the ballot language is misleading, and that combining multiple amendments into a single “yes” or “no” question prevents voters from expressing separate preferences.
5. The verification, certificate of service, and motion reflect that the Petition and Motion for Emergency Hearing were filed and served on June 18, 2026.
6. In his motion, Petitioner expressly requests that this Court conduct an emergency hearing and issue a preliminary injunction before the June 23, 2026, special election.
7. At the time of filing, five days remained before the scheduled referendum.

## **CONCLUSIONS OF LAW**

Section five of the Judicial Code provides that the Court will determine whether a hearing is warranted based on the facts stated in the petition, and, only if warranted, shall a hearing be scheduled at the earliest possible time.

The same section states that the Court’s procedures are intended to facilitate the Court’s business and shall be interpreted to ensure that matters are heard in a fair and expeditious manner. The Court must therefore consider not only the substance of the allegations presented but also whether the timing of the filing permits a fair and orderly process consistent with the Judicial Codes.

Emergency hearings and preliminary injunctions are extraordinary remedies that are not granted as a matter of right. A party seeking such relief must show both a substantial likelihood of success on the merits and the necessity of immediate judicial intervention, supported by a record that permits fair notice, response, briefing, and deliberate consideration by the Court.

On the face of the materials submitted, the timing of Petitioner’s filing weighs heavily and decisively against the requested emergency relief. Petitioner challenges an ordinance that was approved and posted on April 16, 2026, and a referendum that was scheduled for June 23, 2026, but did not file his Petition and Motion for Emergency Hearing until June 18, 2026, only days before the election he seeks to enjoin.

Granting an emergency hearing and preliminary injunction at that late stage would require the Court to compress notice, responses, any evidentiary submissions, and legal argument into a period too short to allow for an orderly and balanced adjudication of the serious constitutional questions Petitioner raises. The Court declines to disrupt an imminent tribal referendum under such conditions, particularly where the record shows that Petitioner could have sought judicial review significantly earlier.

Because the request for emergency process and injunctive relief was brought at the last practical moment, the Court concludes that Petitioner has not demonstrated entitlement to a preliminary injunction. This determination is made without prejudice to the Court's authority to consider the underlying constitutional issues, if appropriate, in proceedings that allow for full and orderly development of the record.

This ruling is limited to the emergency posture of the case. The Court does not decide, and expressly reserves, the ultimate merits of Petitioner's claims concerning Article VIII, Section 1(b), the sufficiency or accuracy of the ballot language, or the legality of combining multiple constitutional amendments in a single referendum question.

## **DISPOSITION**

1. Petitioner's Motion for Emergency Hearing is DENIED.
2. Petitioner's request for a preliminary injunction postponing or restraining the June 23, 2026, referendum and its certification is DENIED.
3. The Court specifically finds that the request for emergency and injunctive relief was filed too late, on June 18, 2026, although Ordinance CLLO-2026-0416-02 was approved and posted on April 16, 2026, and the referendum was scheduled for June 23, 2026, to permit fair and orderly emergency proceedings consistent with the judicial responsibilities of this Court.
4. This Order is confined to the disposition of the motion for emergency hearing and request for preliminary injunction and does not adjudicate the ultimate merits of the Petition.

SO ORDERED, this 20<sup>th</sup> day of June, 2026.

Chief Justice, 

Supreme Court of The Lumbee Tribe of North Carolina