

IN THE OSAGE NATION TRIBAL COURT
PAWHUSKA, OK

E-FILED

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Trial Court of the Osage Nation

SHANNON L. EDWARDS,
Osage Nation Congress Member,

Plaintiff,

v.

CASE NO. CV-2020-01

OSAGE NATION CONGRESS,
JOE TILLMAN,
Speaker of the Osage Nation Congress,

ALICE GOODFOX,
Individually and as Purported Select
Committee of Inquiry Chairperson,

ARCHIE MASON,
Individually and as Purported Select
Committee of Inquiry Member,

PAULA STABLER,
Individually and as Purported Select
Committee of Inquiry Member,

JOSEPH TILLMAN,
Individually and as Purported Select
Committee of Inquiry Member, and

R.J. WALKER,
Individually and as Purported Select
Committee of Inquiry Member,

Defendants.

**VERIFIED EMERGENCY PETITION FOR TEMPORARY
RESTRAINING ORDER WITH BRIEF IN SUPPORT**

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**VERIFIED EMERGENCY PETITION FOR TEMPORARY
RESTRAINING ORDER WITH BRIEF IN SUPPORT**

Pursuant to the OSAGE NATION CIVIL PROCEDURE CODE, Title 3, §3-101 and FED. R. CIV. P. 65(b), Plaintiff Shannon L. Edwards (“Edwards”) verifiably petitions this court to issue an emergency *ex parte* temporary restraining order prohibiting Defendants from proceeding with a removal trial until such time as the removal process set forth in Congressional Rule 12 is made to conform with binding Supreme Court precedent and because the pre-removal process violated the Nation’s Ethics laws and the dictates of the Osage Nation Supreme Court. In support thereof, Edwards states as follows:

FACTUAL BACKGROUND

1. Edwards is a member of the Osage Nation Congress and the subject of a removal trial set for June 23, 2020.

2. Joseph Tillman (“Tillman”) is a resident of Osage County, Oklahoma, a member of the Osage Nation, the Speaker of the Osage Nation Congress and a purported member of an Osage Nation Congress Select Committee of Inquiry.

3. Alice Goodfox (“Goodfox”) is a resident of Osage County, Oklahoma, a member of the Osage Nation, a member of the Osage Nation Congress, and the purported Chairwoman of an Osage Nation Congress Select Committee of Inquiry.

4. Archie Mason is a resident of Tulsa County, Oklahoma, a member of the Osage Nation, a member of the Osage Nation Congress, and a purported member of an Osage Nation Congress Select Committee of Inquiry.

5. Paula Stabler is a resident of Osage County, Oklahoma, a member of the Osage Nation, a member of the Osage Nation Congress, and a purported member of an Osage Nation Congress Select Committee of Inquiry.

6. R.J. Walker is a resident of Osage County, Oklahoma, a member of the Osage Nation, a member of the Osage Nation Congress, and a purported member of an Osage Nation Congress Select Committee of Inquiry.

7. The Court has jurisdiction over the parties and the relief requested pursuant to Article VIII, Section 5 of the Osage Nation Constitution.

8. On January 2, 2014, prior to the only other Congressional removal proceeding that has gone to trial, Osage Nation Chief Justice Meredith Drent (“Drent”), Associate Justice Jeanine Logan, and Associate Judge Drew Pierce, sitting by designation, issued an opinion *per curiam* in case SPC-2013-03, *Red Eagle v. Osage Nation Congress and Select Committee of Inquiry*. That opinion invalidated certain provisions of Osage Nation Congress Congressional Rule 12 as “inconsistent with Article XII requirements.” *Red Eagle v. Osage Nation Congress and Select Committee of Inquiry*, SPC-2013-03 at 2, attached hereto as Exhibit “A.”

9. Specifically, the Court ruled that Congressional Rule 12.1(1)(e) “engages the Supreme Court outside the scope of its authority in Article XII, which is limited to designating a Justice to preside at the removal trial.” *Id.* at 15. Before being invalidated in *Red Eagle*, Section 12.1(1)(e) provided that the Congressional Speaker notify the Supreme Court that Congress had moved to form a SCOI and required a Justice of the Supreme Court to appoint the Congressional SCOI.

10. On or about March 27, 2020, the Osage Nation Congress was presented with a written motion to convene a Select Committee of Inquiry (“the Committee”) to investigate Edwards in accordance with Rule 12.1(1)(b) of the Osage Congressional Rules. During

Congressional Session on March 30, 2020, Congress voted unanimously to convene such a committee.

11. Thereafter, on March 30, 2020 Congressional Speaker Joe Tillman notified Chief Justice Meredith Drent (“Drent”) in writing that Congress had approved a motion to form a Congressional Select Committee of Inquiry (“SCOI”). He then stated, “Please let me know who will sit on the Select Committee of Inquiry at your convenience, but within ten (10) days in accordance with our Rules.” *See March 30, 2020, Letter from Speaker Joe Tillman to Supreme Court Chief Justice Meredith Drent*, attached hereto as Exhibit “B.”

12. In response, on April 1, 2020, the Chief Justice notified Speaker Tillman she had invoked the language in Congressional Rule 12.1(1)(e) and assigned another Supreme Court Justice, Elizabeth Lohah Homer, to appoint members to the Congressional Select Committee of Inquiry. *See April 1, 2020, Letter from Osage Nation Supreme Court Chief Justice Meredith Drent to Speaker Joe Tillman*, attached hereto as Exhibit “C.”

13. Thereafter, on April 3, 2020, Justice Homer caused a letter to be emailed to the Congress members notifying them that she had been assigned by the Chief Justice to select five members to serve on the Congressional Select Committee of Inquiry. She stated in her letter that she considered all members excluding Edwards and Congresswoman Angela Pratt for the Committee. She did not state what criteria she considered or did not consider in making her selections or whether she made any inquiry into any member’s possible ethical prohibition from serving.

14. Following Justice Homer’s appointment, but before the Committee had undertaken any work, Edwards wrote to the appointed members and requested one member

whom Edwards knew was under investigation for violation of the Constitution's Code of Ethics to decline to serve. This member declined Edwards' request. Edwards also requested that any other member on the Committee who may have a Constitutional Article X ethics issue to also decline to serve. No member declined.

15. The SCOI is bound by the Osage Constitution's Code of Ethics found in Article X and by the Declaration of Rights declared in Article IV. Among them is Edwards' inalienable right to petition for redress of grievances and access to equal protection of the law. The Osage Nation Government shall not deprive any person of liberty or property without due process of law.

16. Despite the Supreme Court's 2013 declaration that certain Osage Congressional Rules were invalid, and subsequent Congressional acknowledgment that Rule 12 needed to be amended to delete the invalidated sections, Congress has yet to comply with the Court's order and remove the offending provisions. This failure and continued adherence to invalidated Rules by the highest Court in the Osage Nation violates Article X, Section 2 of the Osage Constitution and Edwards' Constitutional rights to due process and equal protection of the law.

17. In contravention of the Osage Supreme Court's holding that Congressional and Judicial adherence to Congressional Rule 12.1(1)(e) is in error, the Congress has followed the invalidated Rule in this proceeding, and caused both the Chief Justice and an Associate Chief Justice to act outside of their authority, despite an opinion of their own Court explicitly prohibiting the same. As a result, Congress has convened an improperly constituted Select Committee of Inquiry.

18. In defying Supreme Court precedent and moving at breakneck speed in an attempt to move the process as close to trial as possible, Tillman and the individual SCOI members have placed their personal interests ahead of those held by the Osage People.

19. Two appointed SCOI members have ethics complaints pending against them. One has publicly advocated for the removal of Edwards (acting outside Congressional Rules and advocating publicly against due process), and one has improperly leaked non-public information to the press. Two, upon information and belief, have engaged in *ex parte* communications with one or more Justices, and one campaigns to be the chair of the SCOI because she sees it as is a high profile position, even as she has publicly denounced the removal process and stated she would never vote for a removal trial ever again. One is a close relative of a witnesses who was apparently interviewed about her own issue with holding office for another Indian Nation, and her emails requesting a sabbatical are included in the SCOI report as “evidence” against Edwards. As such, these individual SCOI members have knowingly allowed themselves to be seated on the SCOI in violation of Article X of the Constitution.

20. More specifically, in February 2020, Defendant Stabler engaged in conduct which violates Article VI, Section 10 of the Osage Nation Constitution by attending an interim committee meeting and urging a vote to be taken to deny Edwards due process when she knew that action was in contravention of the Osage Constitution and Congressional Rules. As such, Stabler has engaged in conduct outside her authority for which she should be individually liable.

21. Additionally, the SCOI members undertook no thorough investigation as the Supreme Court has admonished they must in order to be “fully apprised of the issues” and to “address those issues in a manner that benefits the Nation as a whole.” *Red Eagle*, SPC-2013-03, at 6. Rather, the Committee hired legal counsel and delegated the entire investigatory responsibility to it. This fact is admitted in the SCOI report, where counsel reports he conducted a single telephonic interview with the members of the SCOI “to establish any specific areas of investigation which any particular committee member desired inquiry by the independent counsel to compile evidence, including documentary, interviews, or sworn statements.” *See Report of the Select Committee of Inquiry to the Osage Nation Congress*, at 2, attached hereto as Exhibit “D.” The report states it was “prepared by Barrow & Grimm, PC.” *Id.* at 1.

22. The SCOI prohibited Edwards from attending any SCOI executive session meetings and even denied her right to appear at these sessions with counsel. In contravention of Congressional Rules, Tillman denied her the right to listen to the tapes of the meetings, and denied Edwards’ request for a copy of a transcript of those meetings. The SCOI created *ex post facto* Rules and voted unanimously to deny Edwards and other Congress members the right to observe any of the proceedings, all in contravention of Congressional Rule 12.1(2) and an Osage Supreme Court pronouncement that Edwards be adequately advised of the Rules against her.

23. In contravention of Article X of the Osage Nation Constitution, the Committee members adopted and published a report that is dishonest, littered with factual errors, consists mostly of inadmissible hearsay, omits readily available documents, and was put out

by individuals who are biased, have ethical conflicts, and had already engaged in activities outside their authority that violated Edwards' due process rights.

24. Rule 12.1 (4)(c) improperly limits who can be designated as the presiding judge at a removal trial under the Osage Nation Constitution, Article XII, Section 2. As such, the Rule must be declared invalid as in opposition to Article XII of the Osage Nation Constitution. Congress should be restrained from continuing with its removal process as a result of invoking this offending rule.

25. Additionally, Congressional Rule 12.1(5)(e) allows the Members of Congress to rule on any or all questions of evidence. This section of Rule 12 was specifically struck down by the Supreme Court in *Red Eagle*, SPC-2013-03 at 14, as unconstitutional, yet it remains in the Congressional Rules and is part of the rules that will govern Edwards' pending trial.

26. As a result of the Congress's wrongful conduct, Edwards has suffered and will continue to suffer immediate and irreparable harm, including violation of her due process rights, such that this Court should issue an *ex parte* temporary restraining order prior to conducting a formal hearing on a fully-noticed motion for preliminary injunction prohibiting Defendants from proceeding with a removal trial until the matters raised herein are resolved.

BRIEF IN SUPPORT

I. STANDARD OF REVIEW.¹

Under FED. R. CIV. P. 65, applicable to this action via ON Ct. R. 2, this Court may issue a temporary restraining order if Edwards establishes that she “is likely to succeed on the merits, that [s]he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [her] favor, and that an injunction is in the public interest.” *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008). Rule 65 relief has been granted in tribal removal proceedings where the law of removal is not followed. *White Wing v. Ho-Chunk Nation General Council ex rel. Cloud*, 5 Am. Tribal Law 197, 206; *Monetathchi v. Flyingman*, 10 Okla. Trib. 376 (Cheyenne-Arapaho Trial Ct. 2007) (Preliminary injunction issued preventing removal of tribal officer).² As will be established, Edwards is entitled to temporary restraining order issued by this Court.

¹ In compliance with ON Ct. R. 1.13, to the extent such rule applies, Edwards submits to this Court that the Osage Nation Supreme Court has recently dismissed a related, but substantively different petition, against several named Defendants not named herein, submitted by Edwards before that tribunal for lack of subject matter jurisdiction. See *Order of Dismissal; Opinion of the Court*, SCO-2020-01, attached hereto as Exhibit “E.”

² It is well-settled law – but bears mention should Defendants attempt to raise the issue – that sovereign immunity is no defense to tribal officers to preclude injunctive relief. *Somers v. Oneida Bingo & Casino General Manager*, 2006 WL 6488211, at *4 (Oneida Trial Ct. 2006) (“We hold that the Tribe’s sovereign immunity permits suits by tribal members against entities, and/or officials for prospective injunctive relief.”); *Littlejohn v. Smith*, 12 Am. Tribal Law 347, 348 (Cherokee Nation Supreme Court 2015). These holdings follow black letter law created by the United States Supreme Court in *Ex Parte Young*, 209 U.S. 123 (1908). Defendants may be sued for prospective injunctive relief in their official capacity.

II. EDWARDS IS ENTITLED TO A TEMPORARY RESTRAINING ORDER AGAINST DEFENDANTS COMPELLING THEM TO FOLLOW RED EAGLE’S DIRECTIVES REGARDING REMOVAL.

A. *Edwards has a strong likelihood of success of the merits.*

The need for this Court to act “is, at least in part, a function of the validity of [Edwards’] claim.” 11A FED. PRAC. & PROC. CIV. § 2948.3 (3d ed. 2020). The most common formulation courts use to determine this factor is whether the movant’s claim shows “a reasonable probability that [s]he will ultimately be entitled to the relief sought.” *Automated Mktg. Sys., Inc. v. Martin*, 467 F.2d 1181, 1183 (10th Cir. 1972). Where a movant can prove that the non-movant(s) is in violation of existing law, this element to issue an injunction is fulfilled. *Milsen Co. v. Southland Corp.*, 454 F.2d 363, 367 (7th Cir. 1971).

The Osage Nation Constitution grants its citizens certain inalienable rights, which neither the Osage Nation Government nor any Osage Nation official shall abridge. Osage Nation Constitution, Article IV, Section 3. Among these is the right to redress for grievances, be afforded equal protection under the law, and be afforded due process. Equal protection forces the Osage Nation Congress to govern impartially – not draw distinctions between individuals solely on political differences. When as here, the Congress and certain individual members have undertaken a course of action that flies in the face of the Osage Constitution, Supreme Court dictates and its own Congressional Rules, the probability standard is met.³

³ Take for example, Congresswoman and SCOI member Paula Stabler’s behavior described above and below where she knowingly voted to recommend Congress ignore the Rules created to foster due process and urge Congress to “move straight to a vote on the motion for removal.” After failing to recuse herself from service on the Committee, Stabler made a motion during the second SCOI meeting to bar Petitioner, her attorney and any other member of Congress from attending the SCOI meetings, all in contravention of Congressional Rules.

In 2013, the Osage Nation Supreme Court in *Red Eagle v. Osage Nation Congress and Select Committee of Inquiry*, SPC-2013-03, (hereinafter “*Red Eagle*”) examined the Congressional removal process of then Principal Chief John D. Red Eagle. Red Eagle appeared at the Congressional Select Committee of Inquiry investigation with Counsel. All Congress members were allowed to observe and participate as warranted. This investigation, which spanned several months, resulted in fifteen allegations which formed the basis of the removal action. The facts that gave rise to the action included using Osage Nation funds to compensate an individual who performed no work in return for those funds, directing officials outside his scope of authority, and withholding public documents. The removal motion alleged abuse of power and refusal to uphold Osage law.

Red Eagle sought a declaratory judgment challenging the entire removal process. The case originated in the Osage Nation Supreme Court and was extensively briefed. After a period of months, and just before the removal trial was set to begin, the Osage Supreme Court, Justice Meredith Drent, Justice Jeannine Logan, and Judge Drew Pierce (sitting by designation), issued an opinion which provided the Nation its mandate on Congressional Rule 12 and the safeguards that must be afforded an official subject to removal proceedings.

It is undisputed that *Red Eagle* is binding authority. Despite this, the SCOI which investigated Edwards was improperly constituted in direct violation of this very opinion. Edwards now faces an unconstitutional removal trial as a result. These undisputed facts constitute a violation of Osage Nation law, and demonstrate Edwards’ likelihood of success on the merits – warranting a temporary restraining order in her favor.

B. Edwards will be immediately and irreparably harmed if this Court fails to grant her requested relief, and the harm she will suffer greatly outweighs any harm suffered by compelling Defendants to comply with established removal law.

Edwards accepted an appointment on another tribe's judicial appellate panel for a period of about six months, during which time she performed no substantive work and received no payment. Congress members were aware of this fact. After the election season began, and after Edwards resigned from the panel, Congresswoman Angela Pratt, joined by Congresswomen Brandy Lemon, Stabler and others, began a vendetta against Edwards which culminated in Pratt alleging Edwards has implicated the Constitution's provisions by "inability to meet the qualifications to serve" as a Congresswoman and in failing her oath to "always uphold and defend the Constitution of the Osage Nation so help me God." Pratt has alleged these actions constitute "malfeasance in office" and cause for her to be removed. She also states that Edwards should be barred from ever serving the Osage Nation in the future.⁴

Edwards is required to show that irreparable harm is likely in the absence of this Court granting her requested relief. *Winter*, 555 U.S. at 22. Irreparable harm is "generally an action that cannot be undone or remedied with money." *Kasee v. Drew-Skenandore*, 2010 WL 7746038, at *1 (Oneida Trial Ct. 2010). A violation of a party's constitutional rights equates to irreparable injury. *Taylor v. Haugaard*, 360 F. Supp. 3d 923 (D. S.D. 2019); *Florida Democratic Party v. Scott*, 215 F. Supp. 3d 1250 (N.D. Fla. 2016); *Baskin v. Bogan*, 12 F. Supp. 3d 1137 (S.D. Ind. 2014).

⁴ The Supreme Court has interpreted "disqualification from holding any other office or position of trust, honor or profit" to include any of the Nation's businesses, enterprises, commissions, boards, committees or agencies. *Red Eagle*, SPC-2013-03, at 12.

Edwards is not only being threatened with removal from her current Congressional office by an unconstitutional proceeding, but is also threatened with a permanent prohibition from *ever* again running for Osage Nation office or holding any other position of honor, trust or profit in the Osage Nation.⁵ Not only is Petitioner likely to suffer harm by being tried for removal at the recommendation of an unconstitutionally-created tribunal – it has been suggested that Congressional Rules can be waived at will and that she will be called to trial in less than fifteen (15) days without ever being properly summoned.⁶ These facts dictate this Court must order Defendants to abide by a constitutional removal process and remedy the immediate and irreparable harm suffered by Edwards.

C. An injunction is in the interest of the Osage People.

This final inquiry requires a court to determine whether “there are policy considerations that bear on whether the order should issue.” 11A FED. PRAC. & PROC. CIV. § 2948.4 (3d ed. 2020). Other Tribes have dealt with this exact issue in the context of Rule 65 relief related to removal proceedings. In *LaRose v. Wilson*, 2003 WL 26066795, at *8 (Leech Lake Trial Div. 2003), the court determined that the public interest weighed in favor of granting an injunction in an unconstitutional removal proceeding because “of the substantial number of voters” who voted for the officer subject to removal. The Osage People

⁵ Edwards vigorously disputes Congress’ ability to show cause for or harm justifying removal, much less a bar from *ever* again participating in any way with some of the very institutions she helped form. The fact that Congress is proceeding with breakneck speed while wholly disregarding the Constitution, law and Rules, should further persuade the Court that the harm she faces is irreparable.

⁶ Edwards will be called to trial in less than fifteen days without being properly summoned. This trial is the sole in-person hearing permitted during the ongoing COVID-19 pandemic, despite the closure of the Nation’s offices through at least June 15th. Defendant Stabler has additionally cancelled the public Congressional swearing in ceremony to occur on July 11th. Congress continues to meet remotely. No legitimate reason has yet been proffered to explain the deviation of rules Edwards encounters at every juncture of the removal process. These are only two such examples.

have a vested interest in who their leaders are, and that who they elect as leaders remain in office absent misconduct warranting removal.⁷ The People have just as much interest in removing their elected officials as they do in selecting them. If certain requirements must be fulfilled to be elected, so too must they be fulfilled to be removed.

Additionally, the public interest is broader than simply ensuring Edwards herself receives a constitutional removal trial. If her relief is not granted, not only will Edwards face an unconstitutional removal proceeding, but the path will be paved for others who come after her to face the same. Congress' power to hold an unconstitutional removal trial will remain unchecked by the judiciary, and the People may lose faith in its ability to check the power of the Legislature – a grave scenario for a Constitutional government founded on the separation of powers.

Furthermore, the invalidated provisions of Osage Congressional Rule 12 dated July 2013 are almost the exact rules and procedures that are purported to implement the provisions of Article XII of the Osage Nation Constitution in this case. The Supreme Court explicitly found these provisions were inconsistent with Article XII requirements and invalidated the same in *Red Eagle*. These infirmities have not disappeared with the passage of time. The *Red Eagle* proceedings left many Osage People questioning how Congress can investigate, call for a trial based on that investigation, and then sit in judgment with the judiciary appearing only to play a ceremonial rule. Certain Osage Nation officials have undertaken a course of action that has allowed a minority of the legislative body to ignore clear Osage Supreme

⁷ The People elected Edwards on three different occasions to serve a total of fourteen (14) years. Her final term concludes on July 10, 2020.

Court authority that mandated a change of the removal process. Even more concerning is the fact that individual members persuaded officials from the Judicial Branch to undertake activities in opposition to their own orders, and in contravention of Edwards' constitutional rights. The fact that Edwards finds herself the subject of a removal trial under the same rules the high Court has already rejected underscores the precarious nature of the People's institutions, and further entitles Edwards to a temporary restraining order.

III. EDWARDS HAS BEEN DENIED HER EQUAL PROTECTION RIGHTS WHICH CANNOT BE CORRECTED UNDER THE CURRENT POSTURE OF THE PROCEEDINGS.

The *Red Eagle* Court was very clear that: **“Congress is also bound by the Constitution’s Code of Ethics when conducting its investigations, and Congress cannot violate the inalienable rights of those Osage citizens who may be subject to a removal trial.”** *Red Eagle*, supra at 9 (emphasis added). Despite the extraordinary clarity afforded to the law of removal by *Red Eagle*, the Speaker of the Osage Congress requested the Supreme Court Chief Justice invoke the very rule that had been invalidated. The Supreme Court Chief Justice took the unprecedented action of complying with the Speaker’s request despite authoritative and binding precedent issued only seven years ago prohibiting this very procedure. Despite the Supreme Court’s pronouncement that there is nothing in the Constitution that limits which Justice can preside at a Congressional removal trial, *Red Eagle*, supra at 11, Associate Justice Homer declared herself to be ineligible to serve as presiding judge by virtue of Congressional Rule 12 and on April 3, 2020.

Knowing the Supreme Court had ruled that “Congress cannot simply vote to remove based on unspecified actions,” one member of the SCOI did exactly that some one month earlier. On February 25, 2020, Congresswoman Paula Stabler participated in a public interim

Congressional committee meeting where she discussed how Congress proceeds with removing an official. She stated:

Stabler: "And so that's -- because we don't have to, like we're saying, I think we have to go to a committee of inquiry once we complete our investigation and make a recommendation and move on past that."

Transcript of Congressional Rules and Ethics Committee Meeting, February 25, 2020, p. 24, lines 1.16-19, attached hereto as Exhibit F. This discussion occurred in the context of the committee's consideration of "Possible Rules Violations." After a recess, Stabler ignored her own advice and seconded a motion made by Congresswoman Brandy Lemon at the request of Congresswoman Angela Pratt who made this pronouncement:

Pratt: "So the constitution was clearly violated in that aspect. And therefore, I would entertain a motion to recommend -- to move to recommend to the Osage Nation Congress that the members of the Osage Nation Congress call a special session for the purpose of removing Congresswoman Edwards from office for disqualification under the Constitution, **to waive the rules of procedure for removal** and move straight to a vote on a motion for removal."

Id. at 28 (emphasis added). Congresswoman Stabler voted in favor of calling a special session to remove Edwards without a trial, thereby denying her of her equal protection and due process rights.

Thereafter, at breakneck speed, the Osage Congress built off of previous bad acts by some of the members by soliciting the erroneous selection of the SCOI, amending rules (but not the ones that were invalidated) to deny Edwards, her counsel and other members the right to observe the investigative proceedings, and manufactured a report whose findings are contradicted by the very documents contained therein. Edwards respectfully requests this

Court to issue a temporary restraining order to affirm her constitutional right to equal protection.

IV. THIS COURT IS BOUND BY THE DOCTRINE OF STARE DECISIS TO ENFORCE THE ORDERS OF THE OSAGE NATION SUPREME COURT APPLICABLE TO THIS MATTER.

Lastly, Edwards seeks to remind the Court of something it is assuredly familiar with, the doctrine of *stare decisis*. Edwards is not asking this Court to create new law. She is simply asking this Court to require Congress to abide by the Supreme Court's directives in *Red Eagle*. This Court cannot allow the Legislative Branch to knowingly exceed the power granted to it by the Constitution, which is interpreted by the judiciary. Under the doctrine of *stare decisis*, this Court **must** follow the Supreme Court's ruling in *Red Eagle*, which requires invalidation of the SCOI report, any subsequent motions based on that report, and a stay of the removal trial until such time as a SCOI is properly constituted, and a proper investigation is undertaken by members who will operate outside an improper political agenda. The doctrine of *stare decisis* mandates that courts exercising lower jurisdiction **must** accept the law as set forth by decisions of a court of higher jurisdiction. *Grady v. Mohegan Tribal Gaming Authority*, 10 Am. Tribal Law 181, 182 (Mohegan Gaming Disputes Trial Court 2010).

The *Red Eagle* Court addressed due process in the context of a removal trial. The Court stated: "We find that the due process language [in Article Twelve of the Osage Constitution] requires the accused to be advised of the conduct leading to removal and the rules of the removal process itself." *Red Eagle*, SPC-2013-03, at 10. The Court stated that once the motion for removal has been made, the Rules promulgated under Article XII, Section 2 are the applicable rules, and "any amendments or additions thereto cannot be

retroactively applied to any pending proceedings.” *Id.* That language suggests the Congress can’t simply amend the offending rules. Nor is it sufficient for this court to simply ignore one or more offending rules as somehow not impacting the proceedings.

To follow precedent and adhere to the important legal principle of *stare decisis*, the Court must grant the relief requested and enjoin Defendants from proceeding with a trial until such time as they comply with the orders of the Osage Nation Supreme Court. Any other result makes a mockery of the Constitutional system and jeopardizes the credibility of the judiciary in the eyes of the Wah-zha-zhe People.

WHEREFORE, Plaintiff Shannon Edwards respectfully prays the Court:

- a. Enter a Temporary Restraining Order, prior to Defendants being heard, temporarily restraining and enjoining Defendants from further infringing Plaintiff’s Constitutional rights and from conducting a trial of removal in blatant disregard for established Osage Nation law;
- b. Set a hearing for a preliminary injunction; and
- c. Upon the occurrence of said hearing, enter a preliminary injunction enjoining the Defendants from proceeding with Plaintiff’s removal trial until such time as Congressional Rule 12 is properly amended and applied to Plaintiff.



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VERIFICATION

STATE OF CALIFORNIA)
) SS
COUNTY OF Santa)
) Barbara

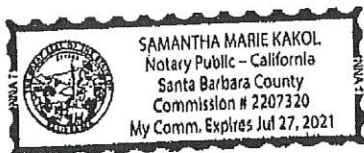
BEFORE ME, the undersigned notary, on this day, personally appeared Shannon Edwards, a person whose identity is known to me. After I administered an oath to her, upon the oath, she stated:

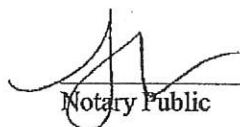
1. "My name is Shannon Edwards. I am over the age of twenty-one (21), have not been convicted of a felony or crime of moral turpitude, and am otherwise capable of making this verification. I have personal knowledge of the facts stated herein, and they are true and correct.

2. I am a member of the Osage Nation Congress and the subject of a removal trial to be held on June 23, 2020 at 10 a.m. before that Congress. Under penalty of perjury, I declare that the factual allegations contained in the foregoing *Verified Emergency Petition for Temporary Restraining Order with Brief in Support* are within my personal knowledge and are true and correct."


Shannon Edwards

Subscribed and sworn to before me on the 10th day of June, 2020.




Notary Public

SEAL:

My Commission Expires: 07/27/2021
My Commission Number: 2207320