

JUN 12 2020

IN THE TRIAL COURT OF THE OSAGE NATION
PAWHUSKA, OKLAHOMA

BY 

SHANNON L. EDWARDS,)
 Osage Nation Congress Member,)
)
 Plaintiff,)
 v.)
 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.)

Case No. CV-2020-01
[Judge William L. Oldfield]

**ORDER DENYING PLAINTIFF'S PETITION FOR EX-PARTE TEMPORARY
RESTRAINING ORDER AND ORDER FOR *EXPEDITED* HEARING ON
PRELIMINARY INJUNCTION**

This matter comes on for consideration on Plaintiff, SHANNON L. EDWARDS, *Verified Emergency Petition for Temporary Restraining Order with Brief in Support*. Plaintiff's immediate request is for the Court to enter an *ex-parte* temporary restraining order and for a hearing date for a preliminary injunction. After reviewing Plaintiff's Petition and Brief in Support, the Court FINDS AND ORDERS as follows:

On or about June 10, 2020 at 3:44 PM, Plaintiff electronically filed her verified Petition against certain members of Congress that comprise a Select Committee of Inquiry (SCOI). On or about May 14, 2020, the SCOI issued a report that recommended Plaintiff's removal from her elected Congressional position based on her purported acceptance of the office of Appellate Judge for the Yavapai-Apache Nation, in violation Article VI §5 of the Osage Constitution. Plaintiff alleges in part: that the SCOI was staffed and formed under Congressional Rules previously held unconstitutional under Red Eagle v Osage Nation Congress and Select Committee of Inquiry, SPC-2013-03; that certain members of the SCOI themselves are subject of ethics investigations and should be excluded from the SCOI; that the SCOI's findings are factually inaccurate; and that the findings were obtained improperly, in violation of the equal protection and due process protections of the Osage Nation Constitution.

Plaintiff alleges that she is the "subject of a removal trial to be held on June 23, 2020 at 10 a.m. before that Congress," and she "is likely to suffer irreparable harm in the absence of preliminary relief." It appears that June 23, 2020 is the first date that any irreparable harm could first occur.

Ms Edwards does not allege what legal remedies are available to redress her alleged injuries, if any. More importantly, Plaintiff would have this Court enter a temporary restraining order against other members of Congress, who work right down the street, with no notice or opportunity to be heard. That type of *ex-parte* relief is allowed in this Court only under extraordinary circumstances, when there is no time for notice, due process and hearing, and the alleged irreparable harm will occur before notice can be afforded. Based on the threatened June 23, 2020 removal trial as alleged by Plaintiff on her verification page, this Court finds there is sufficient time to serve notice on these Defendants and hear oral argument. Issuing the requested *ex-parte* relief under these circumstances would run afoul of the same due process protections that Ms. Edwards argues today.

THEREFORE, IT IS ORDERED that Plaintiff's request for an *ex-parte* temporary restraining order is DENIED, pending oral argument from the parties. The Court may take the issue up again after hearing from both sides.

IT IS FURTHER ORDERED THAT the Court will hear oral argument on Plaintiff's request for a preliminary injunction on the 17th day of June, 2020 at 1:30 o'clock PM. **Any**

request by a Defendant for an extension beyond June 23, 2020 shall be accompanied by an announcement that the Congressional removal trial has been postponed and will not occur prior to a final order in this Court. At the hearing, the Parties shall be prepared to discuss and answer questions regarding: Plaintiff's Petition and Brief in Support; whether Plaintiff's challenge addresses a legislative, judicial or quasi-judicial action; the jurisdiction of this Court under Article VIII, §5 of the Osage Constitution to issue a writ of prohibition, quo warranto or injunction against Osage governmental representatives performing governmental functions; the elements of an applicable extraordinary writ; sovereign immunity questions beyond those raised in footnote 2 of Plaintiff's Brief in Support; the scope of the Court's analysis into the element of Plaintiff's likelihood of success on the merits; the scope applicability of all the holdings and dicta of *Red Eagle v Osage Nation Congress and Select Committee of Inquiry*, SPC-2013-03; other subsequent filings, claims and defenses in the case.

IT IS FURTHER ORDERED THAT the Court is currently operating under Administrative Order 2020-04, due to the COVID-19 pandemic. The Court remains closed to the public until July 6, 2020. Hearings are to be conducted through telephonic means until then. Therefore the June 17, 2020 hearing on the preliminary injunction shall be accomplished by telephone. In order to accomplish this, the Court sets the following rules.

1. Parties shall call (918) 287-0033 at the time of the hearing.
2. All litigants shall announce themselves each time before speaking. Litigants shall not speak over one another.
3. All exhibits the parties intend on presenting shall be exchanged with the parties and the Court prior to the date of the hearing.
4. While the Court shall make efforts to record the audio of this hearing, parties are advised that if an expedited transcript is desired, they need to make separate arrangements for a reporter to take a transcript remotely.

IT IS FURTHER ORDERED THAT the Court Clerk shall immediately issue service of this Order and Plaintiff's Petition, Brief, Exhibits and Appendix to all Defendants through email and the Order through US Mail. Plaintiff will also make all available efforts to give notice of this hearing and her Petition, Brief, Exhibits and Appendix to the Defendants.

IT IS SO ORDERED

DATED this 12th day of June, 2020.

A handwritten signature in black ink, appearing to read "W. L. Oldfield", written over a horizontal line.

William L. Oldfield,
Chief Judge of the Osage Nation Trial Court

CERTIFICATE OF MAILING

I, Jeanna Red Eagle, Supreme Court Clerk, hereby certify that on the 12th day of June, 2020 a true and correct copy of the above ORDER DENYING PLAINTIFF'S PETITION FOR EX-PARTE TEMPORARY RESTRAINING ORDER AND ORDER FOR EXPEDITED HEARING ON PRELIMINARY INJUNCTION was sent via e-mail and first class mail, correct postage attached to the following parties:

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I further certify that PLAINTIFF'S PETITION, BRIEF, EXHIBITS AND APPENDIX, electronically filed in this matter on the 10th day of June, 2020 were sent via e-mail on this 12th day of June, 2020 to the following Defendants:

OSAGE NATION CONGRESS
Joe Tillman, Speaker
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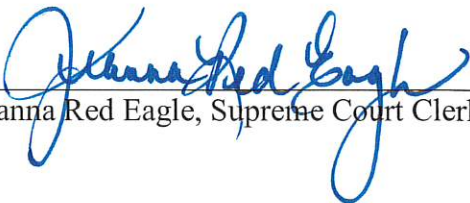
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Jeanna Red Eagle, Supreme Court Clerk