

IN THE TRIAL COURT  
CHEYENNE AND ARAPAHO TRIBES  
P.O. BOX 102  
CONCHO, OKLAHOMA 73022

CHEYENNE-ARAPAHO TRIBES  
OF OKLAHOMA  
**FILED**  
IN THE TRIAL COURT  
NOV 12 2008

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In re the Invalidity of the Special Tribal )  
Council Meeting Set for November 22, 2008 )  
Governor Darrell Flyingman )  
Plaintiff, )  
vs. )  
Rachael Lynn, Tribal Council Coordinator, )  
in her official capacity )  
Defendant, )

Case No: CIV-2008-0075

**ORDER**

The Trial Court, in conformance with the Constitution of the Cheyenne and Arapaho Tribes, Article VIII, Section 5(a) exercises jurisdiction in this matter and issues this Order.

The Trial Court finds the proposed agenda(s) for which there are two (2), provided to the Tribal Council Coordinator do not meet the constitutional requirements of Article V. Section 3b. Additionally there are two (2) locations listed for the Special Meeting Weatherford, Oklahoma and the Concho Tribal Complex.

The Constitution is the definitive document governing the organization of the four (4) branches of government; Tribal Council, Legislature, Executive and Judicial, Article II Section

Page 2 of 3  
Order of 11-12-08  
In re Invalidity of the Special Tribal Council Meeting  
Set For November 22, 2008,  
Governor Darrell Flyingman vs. Rachael Lynn, Tribal Council Coordinator  
CIV-2008-0075

2. In addition, Article II Section 3 details the Separation of Powers.

The Trial Court in Case Number CIV-2008-0039, Ellen Sweezy, Speaker Second Legislature in her official capacity, Plaintiff vs. Darrell Flyingman, Governor, in his official and individual capacity, Defendant, addressed the necessity of all branches of government to honor the Constitution.

In the present case, Governor Darrell Flyingman, Plaintiff, on November 7, 2008, filed a Motion For Emergency Temporary Restraining Order, Preliminary Injunction, Declaratory Relief and Brief In Support. After a detailed Motion filed by the Plaintiff he concludes:

All seven proposed Tribal Council Resolutions are unconstitutional. The Legislature improperly called the Special Tribal Council Meeting by passing and executing two versions of Legislative Orders, and improperly placed matters on the agenda for the Special Tribal Council Meeting. The calling and convening of the Special Meeting to consider these unconstitutional Resolutions will cause immediate and irreparable injury, loss, and damage to the Tribes and its citizens, and will waste valuable government resources.

**IT IS THE ORDER OF THE COURT:**

1. That the Plaintiff's request for an Emergency Temporary Restraining Order (ETRO) is granted. The Tribal Council Coordinator is prohibited from issuing a Public Notice of the Special Session and if issued it is to be withdrawn.

Page 3 of 3

Order of 11-12-08

In re Invalidity of the Special Tribal Council Meeting

Set For November 22, 2008,

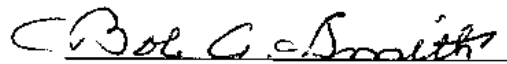
Governor Darrell Flyingman vs. Rachael Lynn, Tribal Council Coordinator

CIV-2008-0075

2. That the calling and holding a Special Session by the Council is enjoined by the Court and
3. That the seven (7) proposed Tribal Council Resolution are declared unconstitutional.

IT IS SO ORDERED this 12th day of November, 2008.



  
Chief Judge Bob A. Smith  
Cheyenne and Arapaho Trial Court