

IN THE TRIAL COURT
CHEYENNE AND ARAPAHO TRIBES

In re the Invalidity of the Special Tribal
Council Meeting Set for April 26, 2008;)
)
)
Governor Darrell Flyingman,)
Plaintiff,)
)
)
v.)
)
)
Rachael Lynn, Tribal Council Coordinator,)
in her official capacity,)
Defendant.)
)
_____)

Case No.: CNA-CIV-10815

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ORDER

On April 21, 2008, Plaintiff, Darrell Flyingman, Governor of the Cheyenne and Arapaho Tribes, petitioned the Trial Court to grant an Emergency Temporary Restraining Order, Preliminary Injunction, Permanent Injunction and Declaratory Relief seeking to enjoin certain actions of the Coordinator of the Office of Tribal Council, Rachael Lynn ("Coordinator").

On April 21, 2008, the Coordinator filed a response in which the Coordinator expressly agreed with and supported the requests of the Plaintiff.

On April 22, 2008, the Trial Court issued an Order granting the Governor's request for an Emergency Temporary Restraining Order and Preliminary Injunction and enjoining the Coordinator of the Tribal Council from issuing a public notice of the Special Tribal Council Meeting ("Special Meeting") called for April 26, 2008. The Trial Court's Order directed the Coordinator to withdraw any previously issued public notice of the Special Meeting, and further enjoined the Coordinator from convening the Special Meeting. Finally, the Trial Court Order also declared the proposed Tribal Council Resolutions for the Special Meeting unconstitutional

and ordered that, "...the Special Tribal Council Meeting scheduled for April 26, 2008, shall be enjoined".

On April 26, 2008, in complete disregard of the Trial Court's Order, Members of the Tribes including Edward Black, Jr, the person seeking Intervention in this matter, attempted to convene and hold the Special Tribal Council Meeting in Kingfisher, Oklahoma. Mr. Black apparently served as the "Tribal Council Chairman" of the purported meeting.

On April 29, 2008, Edward Black, Jr., filed a Motion To Intervene in this matter citing a single basis for requesting intervention, i.e., "...that Rachael Lynn, as Tribal Council Coordinator, is not the proper representative of the Tribal Council". Mr. Black's Motion To Intervene was not accompanied by any pleading.

On May 1, 2008, Governor Flyingman filed an Opposition to Motion To Intervene.

The Trial Court, having reviewed the pleadings, finds;

1. Edward Black, Jr.'s Motion To Intervene fails to meet the requirements of the Tribes' Code in that he has asserted no interest in this matter, has asserted no claim, and has acted in disregard of this Court's Order enjoining the convening of the Special Meeting.

IT IS THEREFORE ORDERED that:

1. Edward Black's Motion To Intervene is DENIED with prejudice.

SO ORDERED this 2nd day of May 2008.


Bob A. Smith, Chief Judge