

FILED

IN THE DISTRICT COURT OF THE CHEROKEE NATION

2016 AUG 17 AM 11:35

CHEROKEE NATION EDUCATION  
CORPORATION, d/b/a CHEROKEE  
NATION FOUNDATION,

Plaintiff,

v.

KIMBERLIE GILLILAND,

Defendant.

CHEROKEE NATION  
DISTRICT COURT  
KRISTI MONCOOYEA  
COURT CLERK

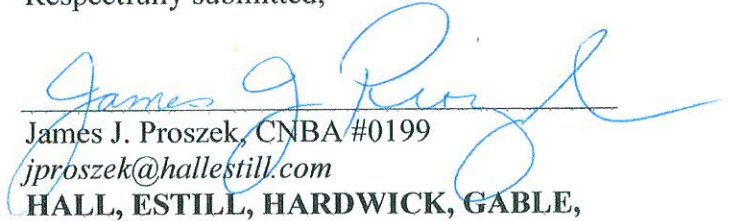
Case No. CV-16-397

**DEFENDANT'S MOTION TO STAY**

Defendant Kimberlie Gilliland ("Gilliland") respectfully moves this Court to stay this action pending the disposition of the criminal case the Cherokee Nation filed against Gilliland on July 28, 2016, entitled *Cherokee Nation v. Gilliland*, CRM-2016-54 (the "Criminal Case"), on the grounds that: (1) eight of the nine counts in the Criminal Case are based upon the same allegations set forth in the petition in this action; (2) proceeding with both this action and the Criminal Case confronts Gilliland with the untenable dilemma of facing a very substantial risk of self-incrimination in the Criminal Case if she chooses to defend against the civil charges in this action or having an adverse inference drawn against her in this action if she chooses instead to invoke her constitutionally guaranteed right against self incrimination; (3) the prejudice caused to Gilliland if this action is allowed to proceed while the Criminal Case is pending far outweigh any prejudice Plaintiff Cherokee Nation Education Corporation ("CNEC") would suffer if this action were stayed pending the final resolution of the Criminal Case; and (4) staying this action pending the final resolution of the Criminal Case would further the interests of this Court and would not harm the public, all as more fully set forth in the supporting brief Gilliland has filed with this motion.

WHEREFORE, Gilliland respectfully requests the Court to stay this action pending a final resolution of the Criminal Case.

Respectfully submitted,



James J. Proszek, CNBA #0199

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**ATTORNEYS FOR DEFENDANT  
KIMBERLIE GILLILAND**

#### CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 17 day of August 2016, a true and correct copy of the above and foregoing instrument was sent by U.S. Mail, with proper postage thereon fully paid, to:

Ralph F. Keen II  
KEEN LAW OFFICE, P.C.  
205 W. Division  
Stilwell, OK 74960

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