

FILED

IN THE DISTRICT COURT OF THE CHEROKEE NATION

2018 APR 30 PM 3:00

ROBIN CARTER MAYES)
CANDIDATE AT LARGE, PRO SE,)
)
Petitioner,)

CHEROKEE NATION
DISTRICT COURT
KRISTI MONCQOYEA
COURT CLERK

VS.)

Case No. CV-2017-273

CHEROKEE NATION ELECTION)
COMMISSION, CHEROKEE NATION)
OFFICE OF THE ATTORNEY GENERAL,)
TODD HEMBREE, an Individual, ()
SHAWNA) CALICO, an Individual,)
TERESA HART, an Individual,)
MARTHA CALICO, an Individual,)
CAROLYN ALLEN, an Individual,)
PAMELA SELLERS, an Individual and)
John Doe, unknown Individuals,)
)
Respondents.)

**COMMISSION AND COMISSINERS REPLY TO THE RESPONSE OF
PETITIONER TO THE MOTION TO DISMISS AND
MOTION TO RULE ON THE PLEADINGS**

OOMES NOW the Respondents, Cherokee Nation Election Commission (hereinafter "Commission") and SHAWNA CALICO, MARTHA CALICO, CAROLYN ALLEN, and PAMELA SELLERS, (hereinafter "Commissioners" in their capacities as Commissioners of the Cherokee Nation Election Commission and appear specially and for the limited purpose of this filing only, and without waiving any positions or defenses and/or objections, and appears only for the purpose of Reply to the Response of Petitioner's Response to the Commission and the Commissioners' Motion to Dismiss and their Motion to Rule on Pleading. In support of this motion, these Respondents would respectfully show the Court as follows:

1. The Cherokee Nation Reply and Motion to Rule on the Pleadings is incorporated herein in support of this Reply.

2. In addition, the Reply of the Cherokee Nation is supplemented as follows in support of this Reply:

The Cherokee Nation Election Commission is also a Constitutionally created Commission and is not subject to the APA, just as the Attorney General is a Constitutionally Created Entity of the Cherokee Nation.

Wherefore, premises considered, the Commission and the Commissioners move the Court to Rule on the Pleadings and to dismiss the Petition of Petitioner for the reasons set forth in the Motion to Dismiss and herein.

Cherokee Nation Election
Commission, Respondent

BY: 

HARVEY M. CHAFFIN, CNBA#0459
Attorney for Defendant
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CERTIFICATE OF MAILING

I hereby certify that on the 30th day of April, 2018, a true and correct copy of the above document was mailed with proper postage fully prepaid thereon, to the following:

A.J. Garcia
504 East Willis Road
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Chrissi Nimmo, CNBA #319

Sr. Assistant Attorney General
Courtney Jordan,
Assistant Attorney General
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Harvey L. Chaffin