

FILED

IN THE DISTRICT COURT OF THE CHEROKEE NATION

2017 JUN 22 PM 1:12

Robin Carter Mayes,)
Candidate at Large, Pro Se)
))
Petitioner,)
))
v.)
))
Cherokee Nation Election Commission,)
and)
Cherokee Nation Office of the)
Attorney General,)
))
Respondents.)

CHEROKEE NATION
DISTRICT COURT
TALSIHCOOYEA
CLERK

Case No. CV-17-273

ORDER

This matter came on for hearing on June 16, 2017 on Robin Mayes' Petition for Writ of Mandamus and Declaratory Judgment. Petitioner, Robin Mayes, was present pro se. Respondent Cherokee Nation Election Commission was represented by counsel Harvey Chaffin, under special appearance; and Respondent Cherokee Nation Office of the Attorney General was represented by Assistant Attorney General, Chrissi Nimmo, under special appearance. Cherokee Nation Office of the Attorney General and Cherokee Nation Election Commission renewed their objections to the hearing for lack of service. The Court also shared with the parties a letter received from Linda Leaf Bolin on June 15, 2017 requesting intervention. After hearing argument from the parties, the Court finds as follows:

- 1) The respondents were not properly served. However, District Court Rule 3(5) is ambiguous and conflicts with summons requirements of Cherokee Nation law and Federal Rules of Civil Procedure; therefore, the Court finds that all respondents had actual notice and are present for the hearing. Therefore, the parties are deemed served on

this date, June 16, 2017. There is no further need for summons. Objections of Respondents noted.

- 2) Ms. Bolin's letter will be deemed a Motion to Intervene, with service on all parties deemed to be this date, June 16, 2017. However, the Court will hold in abeyance a decision on Ms. Bolin's Motion until the Court has ruled on Respondents Motion to Dismiss.
- 3) Respondents' answer, amended Motion to Dismiss, or other responsive pleading is due July 6, 2017.
- 4) Petitioner's Reply is due by July 21, 2017.
- 5) Respondents Motion to Dismiss, or amended Motion to Dismiss, is set for Hearing on July 28, 2017 at 1:00pm.

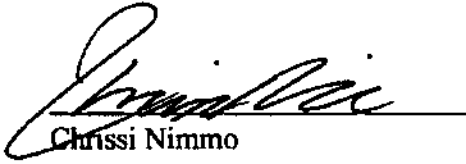
IT IS SO ORDERED.

Date this 22 day of June 2017.

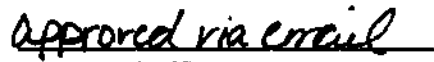


Judge of the District Court

Approved as to form:

A handwritten signature in cursive script, appearing to read "Chusssi Nimmo", written over a horizontal line.

Chusssi Nimmo
Office of the Attorney General

The phrase "approved via email" written in a cursive script, underlined.

Harvey Chaffin
Cherokee Nation Election Commission

The phrase "approved via email" written in a cursive script, underlined.

Robin Mayes
Petitioner

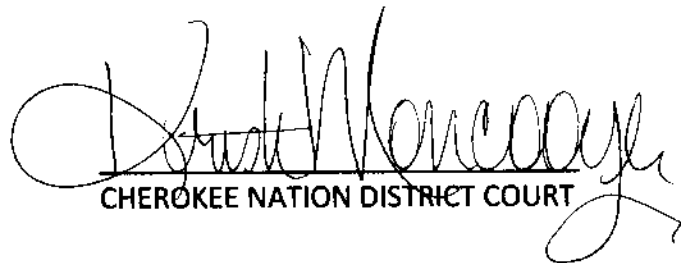
CERTIFICATE OF DELIVERY

I certify that on the 22nd day of June, 2017, I emailed a true and complete copy of the foregoing Order, and mailed same by U.S. first class mail, to the following:

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Chrissi Nimmo
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CHEROKEE NATION DISTRICT COURT