

IN THE SUPREME COURT OF THE CHEROKEE NATION

STANLEY JOHN, Claimant )  
 )  
 v. )  
 )  
 CHEROKEE NATION )  
 Respondent )  
 )  
 HUDSON INSURANCE COMPANY, )  
 Insurance Carrier )

Case No. SC -2018 -

CHEROKEE NATION  
 SUPREME COURT  
 AMENDED  
 BOND, COURT CLERK

2018 APR -2 AM 9:26

FILED

PETITION IN ERROR

  X   PETITION IN ERROR  
 \_\_\_\_\_ AMENDED OR SUPPLEMENTAL PETITION  
 \_\_\_\_\_ CROSS PETITION  
 \_\_\_\_\_ COUNTER-PETITION

I. TRIAL COURT HISTORY

COURT/ COMMISSION: Cherokee Nation District Court  
 CASE NO.: CV-2016-640  
 JUDGE: Judge Luke Barteaux  
 NATURE OF CASE: Workers' Compensation  
 NAME OF PARTY FILING THIS PETITION IN ERROR: Cherokee Nation and the Hudson Insurance Company

THE APPEAL IS BROUGHT FROM: (check one)

  X   Judgment, Decree or Final order of the District Court  
 \_\_\_\_\_ Appeal from order granting summary judgment or motion to dismiss  
 \_\_\_\_\_ Final Order of Other Tribunal, Commission, or Hearing Board  
 \_\_\_\_\_ Interlocutory Order Appealable by right  
 \_\_\_\_\_ Other

II. TIMELINESS OF APPEAL

1. Date judgment, decree, or order appealed was filed: March 2, 2018 (file stamp incorrectly states March 2, 2017)

2. Does the judgment or order on appeal dispose of *all* claims by and against *all* parties?  X  Yes \_\_\_\_\_ No

3. Were any post-trial motions filed? No

4. This Petition is filed by:  X  Delivery to Clerk, or  
\_\_\_\_\_ Mailing to Clerk by U.S. Certified Mail,  
Return Receipt Requested

III. RELATED OR PRIOR APPEALS

None

IV. SETTLEMENT CONFERENCE

Is the appellant willing to participate in a Settlement Conference? \_\_\_\_\_ Yes  X  No

V. RECORD ON APPEAL

\_\_\_\_\_ A Transcript will be ordered  
 X  No Transcript will be ordered because the record for this appeal  
was made at arbitration and is included in the record that was  
before the District Court  
\_\_\_\_\_ Narrative Statement will be filed

VI. JUDGMENT, DECREE OR ORDER APPEALED-- EXHIBIT "A"

Attached as Exhibit "A" to the Petition in Error is a certified copy of the judgment of March 2, 2018

VII. ORAL ARGUMENT AND DECISION ON APPEAL DESIRED -- Exhibit "B"

Attached as Exhibit "B" is Respondent/Insurance Carrier's request regarding oral argument and decision on appeal desired from the Supreme Court.

VIII. NAME OF COUNSEL OR PARTY, IF PRO SE


ATTORNEY FOR APPELLANT

Name: Jay L. Jones  
Firm: Connie M. Wolfe & Associates  
Address: 501 North Walker Avenue,  
Suite 140  
City: Oklahoma City  
State: OK Zip: 73102  
Phone: (405) 702-5356  
Fax: (405) 702-5399

ATTORNEY FOR APPELLEE

Name: Bryan Berry  
Address: 2230 E. 49<sup>th</sup> Street, Suite A  
City: Tulsa  
State: OK Zip: 74105  
Phone: (918) 742-3200  
Fax: (918) 742-3772

DATE: March 30, 2018

Verified by:   
Jay L. Jones CNBA: 0222  
Firm: Connie M. Wolfe & Associates  
Address: 501 N. Walker, Suite 140  
City: Oklahoma City  
State: OK Zip: 73102  
Phone: (405) 702-5356  
Fax: (405) 702-5399

IX. CERTIFICATE OF MAILING TO ALL PARTIES AND COURT CLERK

I hereby certify that a true and correct copy of the Petition in Error was mailed this 30<sup>th</sup> day of March 2018 to the following:

Bryan Berry  
2230 E. 49<sup>th</sup> Street, Suite A  
Tulsa, OK 74105

I further certify that a copy of the Petition in Error was mailed to, or filed in, the office of the Court Clerk of the Cherokee Nation Supreme Court on the 30th day of March 2018.



FILED

IN THE DISTRICT COURT OF THE CHEROKEE NATION

STANLEY JOHN, )  
 Claimant, )  
 )  
 v. )  
 )  
 CHEROKEE NATION, )  
 Respondent, )  
 )  
 HUDSON INSURANCE COMPANY, )  
 )  
 Insurance Carrier. )

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CV-2016-640

CHEROKEE NATION  
DISTRICT COURT  
KRISTI MONCOOYEA  
COURT CLERK

ORDER ON APPEAL

NOW on March 1, 2018, the District Court of Cherokee Nation, sitting as the Appellate Court in the above-styled matter hereby makes the following ruling after review of the court file, briefs, transcript and exhibits the court finds and orders as follows:

The arbitrator being the trier of fact was in the best position to evaluate the credibility of the testimony and evidence presented. The arbitration award of November 7, 2016 is hereby affirmed in its entirety including but not limited to the issues of travel reimbursement and res judicata.

IT IS SO ORDERED.

*Luke Barteaux*

Luke Barteaux  
District Court Judge

Copies to be furnished to:  
All parties of record.

EXHIBIT "A"

I certify that the foregoing instrument is a true and correct copy of the original document filed in the records of the District Court of the Cherokee Nation.

Date: 3-2-18

KRISTI MONCOOYEA, COURT CLERK

By: *[Signature]*  
DEPUTY

