

IN THE SUPREME COURT OF THE CHEROKEE NATION

DAVID CORNSILK,)
Appellant,)
v.)
TODD HEMBREE,)
Attorney General of the Cherokee Nation,)
Appellee.)

Case No. SC-2018-04

2018 MAY -4 AM 10:34
CHEROKEE NATION
SUPREME COURT
CLERK
RENDALL BIRD
FILED

PETITION IN ERROR AND COUNTER-PETITION

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

DATE FIRST PETITION IN ERROR WAS FILED: April 13, 2018

I. TRIAL COURT HISTORY

COURT/COMMISSION: District Court
CASE NO: CV-2018-122
JUDGE/HEARING OFFICER: Judge Barteaux
NATURE OF CASE: Declaratory Judgment
NAME OF PARTY(IES) FILING THIS PETITION IN ERROR AND CROSS-PETITION: David Cornsilk

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 of judgment, decree or order appealed was filed: April 6, 2018
2. Does the judgment or order on appeal dispose of all claims by and against all parties?
 Yes No
3. Were any post-trial motions filed?
 Yes No Describe: Motion to Intervene and Dismiss filed by Michael Moore
4. This petition is filed by: 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 No

V. RECORD ON APPEAL

- A Transcript will be ordered
 No Transcript will be ordered because no record was made and/or no transcript
will be necessary for this appeal
 Narrative Statement will be filed

VI. JUDGMENT, DECREE OR ORDER APPEALED – EXHIBIT “A”

Attached as Exhibit “A” to the Petition in Error and Counter-Petition a certified copy of the judgment of April 6th, 2018

VII. SUMMARY OF CASE – Exhibit “B”

Attached as Exhibit “B” a brief summary of the case

VIII. ISSUES TO BE RAISED ON APEAL – EXHIBIT “C”

Attached as Exhibit “C” the issues proposed to be raised

IX. NAME COUNSEL OR PARTY, IF PRO SE

APPELLANT
Name: David Cornsilk, Pro Se
Address: 14013 N. 524 Rd.
City: Tahlequah
State: OK ZIP: 74464

Phone: (918) 453-3904
Email: david_cornsilk@yahoo.com

ATTORNEY FOR APPELLEE:

Name: Chrissi R. Nimmo, Deputy Attorney General
CBNA: 319
Firm: Office of the Attorney General for Cherokee Nation
Address: P.O. Box 1533
City: Tahlequah
State: OK Zip: 74464
Phone: (918) 453-5000, ext. 6998
Fax: (918) 458-6142
Email: Chrissi-nimmo@cherokee.org

DATE: April 4th, 2018

Verified by: David Cornsilk
David Cornsilk, Pro Se
14013 N. 524 Rd.
Tahlequah, OK 74464
918-453-3904
david_cornsilk@yahoo.com

**X. CERTIFICATE OF MAILING TO ALL PARTIES
AND COURT CLERK**

I, David Cornsilk, hereby certify that a true and correct copy of the Petition in Error and Counter Petition was mailed or hand delivered 4th day of April, 2018 to the following:

Name: Chrissi R. Nimmo, Deputy Attorney General
CBNA: 319
Firm: Office of the Attorney General for Cherokee Nation
Address: P.O. Box 1533
City: Tahlequah
State: OK Zip: 74464
Phone: (918) 453-5000, ext. 6998
Fax: (918) 458-6142
Email: Chrissi-nimmo@cherokee.org

David Cornsilk
David Cornsilk

IN THE DISTRICT COURT OF THE CHEROKEE NATION

FILED

DAVID CORNSILK,)
Petitioner,)
v.)
TODD HEMBREE,)
Attorney General of the Cherokee Nation,)
Respondent.)

CV-2018-122

2018 APR -6 PM 3:10

CHEROKEE NATION
DISTRICT COURT
KRISTI NONCOOYEA
COURT CLERK

JUDGMENT

COMES NOW David Cornsilk, Petitioner, and Todd Hembree, Attorney General of the Cherokee Nation, Respondent. Currently pending is Petitioner's *Petition for Declaratory Judgment and Motion to Substitute Page*, and Respondent's *Special Limited Entry of Appearance and Motion to Dismiss Petition for Declaratory Judgment and Motion to Withdraw Objection to Standing and to Strike Hearing and Rule on the Pleadings*. The Court Finds and Orders as follows:

Petitioner's *Motion to Substitute Page* is granted. Page nine of the *Petition* is substituted with the second page of the *Motion*.

Respondent's *Motion to Withdraw Objection to Standing and to Strike Hearing and Rule on the Pleadings* is granted. The objection to standing contained in the *Special Limited Entry of Appearance and Motion to Dismiss Petition for Declaratory Judgment* is stricken. Trial set for April 13, 2018 at 1:30 P.M. is stricken. Appearing from the pleadings that there is no disputed fact at issue the court shall proceed with ruling without further argument of parties.

Cherokee Nation District Court is the correct jurisdiction and venue to decide this matter. Pursuant to the Cherokee Nation *Attorney General Act*, LA 12-07, it is the duty of the Attorney General,

