

IN THE SUPREME COURT OF THE MUSCOGEE (CREEK) NATION FILED

2014 JAN 17 PM 2 50

MUSCOGEE (CREEK) NATION)
NATIONAL COUNCIL,)
)
Petitioner,)
)
v.)
)
MOORE, Patrick,)
)
Respondent.)

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COURT CLERK

Case No. **SC 11-01**
(District Court Case No. CV 11-10)

ORDER RE CONSOLIDATION

The instant petition seeking a writ of prohibition was filed on February 22, 2011, after Respondent commenced proceedings in the lower court Case No. CV 11-10, *In re: The Constitutionality of NCA 10-173, NCA 10-199 and NCA 10-200*. In the underlying proceedings, then-Principal Chief Ellis sought declaratory and injunctive relief and a citation for contempt against Petitioner for alleged contemptuous legislative interference with executive nomination and appointment authority vested exclusively in the Principal Chief by the Muscogee (Creek) Nation Constitution. Respondent set an evidentiary hearing for February 23, 2011, and ordered Petitioner to appear and show cause why Petitioner should not be punished for contempt of court. To date, the instant petition for writ of prohibition remains pending.

Petitioner is also a party to Case No. SC 11-09, *Muscogee (Creek) Nation National Council v. Tiger*. SC 11-09 presents a final order appeal filed at the conclusion of lower court proceedings in CV 11-10, which is the same separation of powers dispute that underlies the instant petition. Although underlying proceedings are concluded in CV 11-10, our present consideration of the relief originally sought by Petitioner instructs that the petition for writ of

prohibition cannot properly be deemed moot due to the unique procedural history of the underlying dispute. We note, however, that SC 11-09 presents questions of law and fact that encompass all issues presented by the instant petition.

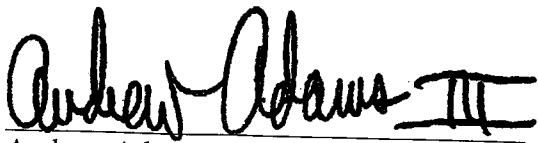
Under M(C)NCA Title 27, Appendix 2, Rule 6.F., this Court may, *sua sponte*, consolidate separate actions and lack of a motion or stipulation from either party is no impediment if relevant considerations warrant consolidation. We have previously exercised such discretionary authority only where consolidation would promote the interests of judicial economy, efficiency and convenience. Here, we readily confirm that consolidation promotes judicial economy, efficiency and convenience and is unlikely to yield any countervailing inconvenience, delay, prejudice or expense for the parties involved.

IT IS HEREBY ORDERED that, pursuant to M(C)NCA Title 27, Appendix 2, Rule 6.F.; Case No. SC 11-01, *Muscogee (Creek) Nation National Council v. Moore*, be **CONSOLIDATED** with Case No. SC 11-09, *Muscogee (Creek) Nation National Council v. Tiger*.

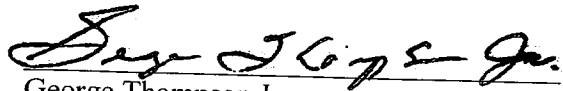
IT IS FURTHER ORDERED that Case No. SC 11-01, *Muscogee (Creek) Nation National Council v. Moore*, be **ADMINISTRATIVELY CLOSED**.

IT IS FURTHER ORDERED that any future filings in these consolidated proceedings be made exclusively in Case No. SC 11-09, *Muscogee (Creek) Nation National Council v. Tiger*.

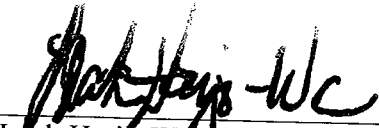
FILED AND ENTERED: January 17, 2014.



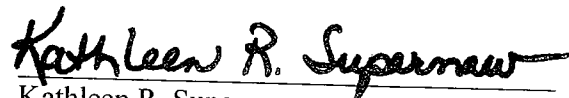
Andrew Adams III
Chief Justice



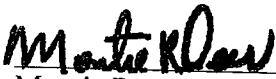
George Thompson Jr.
Vice-Chief Justice



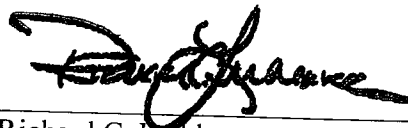
Leah Harjo-Ward
Associate Justice



Kathleen R. Supernaw
Associate Justice



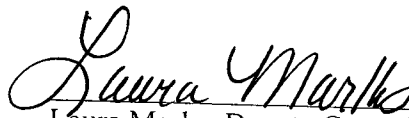
Montie R. Deer
Associate Justice



Richard C. Lerblance
Associate Justice

CERTIFICATE OF MAILING

I hereby certify that on January 17, 2014, a true and correct copy of the foregoing Order re Consolidation was served on the parties listed below by placing it in the United States mail, proper postage prepaid, and addressed to the following: Patrick Moore, 206 W. 7th Street, Okmulgee, OK 74447; George Tiger, Principal Chief, Muscogee (Creek) Nation, P.O. Box 580, Okmulgee, OK 74447; Zeke Fletcher, Fletcher Law, PLLC, Boji Tower, 124 West Allegan Street, Suite 1400, Lansing MI 48933, and Roger Wiley, Attorney General, Muscogee (Creek) Nation, P.O. Box 580, Okmulgee, OK 74447. A true and correct copy was also hand-delivered to: Donna Beaver, Clerk of the Muscogee (Creek) Nation District Court.



Laura Marks, Deputy Court Clerk

IN THE SUPREME COURT OF THE MUSCOGEE (CREEK) NATION

FILED
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In re: The Constitutionality of NCA 10-173,)
NCA 10-199 & NCA 10-200)

MUSCOGEE (CREEK) NATION)
NATIONAL COUNCIL,)

Defendant-Appellant,)

v.)

TIGER, George; in his official capacity as)
Principal Chief of the Muscogee (Creek) Nation,)

Plaintiff-Respondent.)

Case No. **SC 11-09**
(District Court Case No. CV 11-10)

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COURT CLERK


ORDER OF NOTICE RE CONSOLIDATION

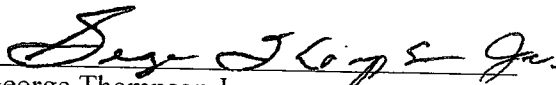
Prior to Defendant-Appellant filing the instant appeal, a petition for writ of prohibition was sought from the same underlying trial court proceedings in CV 11-10, *Ellis v. National Council*. As the issues presented by the instant appeal encompass all questions of law and fact presented by the earlier filing, we readily confirm that consolidation promotes judicial economy, efficiency and convenience and is unlikely to yield any countervailing inconvenience, delay, prejudice or expense for the parties involved.

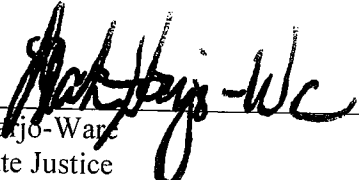
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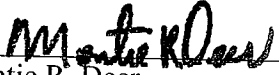
FILED AND ENTERED: January 17, 2014.



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Chief Justice


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Laura Marks, Deputy Court Clerk