

IN THE SUPREME COURT OF THE MUSCOGEE (CREEK) NATION

SUPREME COURT  
FILED

NOV 15 2011

CONNIE DEARMON, DEPUTY  
ROSANNA L. FACTOR, COURT CLERK  
MUSCOGEE (CREEK) NATION

SMITHKLINE BEECHAM, )  
CORPORATION d/b/a )  
GLAXOSMITHKLINE, INC. )

Appellant, )

Case No. **SC 2010-03**

v. )

(District Court Case No. CV-2009-88)

RICHARD CRUZ, )

Respondent. )


**ORDER OF DENIAL OF INTERLOCUTORY APPEAL**

Before CHAUDHURI, Chief Justice, SHIRLEY, Vice-Chief Justice, and McNAC, HARJOWARE, SUPERNAW and DEER, Justices.

PER CURIAM

Both parties in the above-captioned appeal failed to appear for Oral Argument on Friday, October 28, 2011, at 11:00 a.m. in the Mound Building, Capitol Complex, Okmulgee, Oklahoma. A member of the clerical staff for Appellant's counsel initiated phone contact on or about Wednesday, October 19, 2011 to advise the Deputy Court Clerk that settlement negotiations between the parties were progressing and might possibly render Oral Argument unnecessary; however, neither party filed a Motion to Continue Oral Argument or a Motion to Dismiss the appeal. The Appellant has an affirmative duty to actively pursue an appeal once filed. This Court unanimously holds that the Appellant has failed to do so in this instance. Upon review of the record on appeal, this Court finds no compelling reason to further entertain this matter.

**IT IS HEREBY ORDERED** this 15<sup>th</sup> day of November, 2011, that the above-captioned appeal is **DISMISSED AND REMANDED** to the District Court for further proceedings.

  
Jonodev O. Chaudhuri  
Chief Justice

**IN THE MUSCOGEE (CREEK) NATION SUPREME COURT**

SMITHKLINE BEECHAM,  
CORPORATION d/b/a  
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Appellant,

vs.

RICHARD CRUZ,

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Case No. **SC 2010-03**

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**CERTIFICATE OF DELIVERY**

I, Connie Dearman, Supreme Court Deputy Clerk for the Muscogee (Creek) Nation, do hereby certify that on this 15<sup>th</sup> day of November, 2011, that I faxed and mailed a true and correct copy of the foregoing Supreme Court's **Order of Denial of Interlocutory Appeal** with proper postage prepaid to the following:

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Connie Dearman, Supreme Court Deputy Clerk