

IN THE CONSTITUTIONAL COURT OF THE CHOCTAW NATION

Nathaniel Meashintubby and Nellie Meashintubby)
)
)
Petitioner,)
)
And)
)
Choctaw Nation Tribal Council,)
)
Respondent.)
)

Case No. CC-22-01

FILED
CHOCTAW NATION OF OKLAHOMA
CONSTITUTIONAL COURT CLERK

OCT 17 2022

COURT CLERK
BY Cara Schumann Deputy

ORDER GRANTING MOTION TO DISMISS

On July 14, 2022 this case came on for argument of Defendant Choctaw Nation Tribal Council's Motion to Dismiss. Having reviewed the pleadings and heard oral argument, this Court grants the Choctaw Nation Tribal Council's Motion to Dismiss, disposing of the entirety of this case. The sovereign immunity of the Choctaw Nation is the most important aspect of a sovereign nation and the cornerstone of self-governance. In determining whether sovereign immunity applies to this case, we need look no further than the caption of the case. The Tribal Council, as a legislative body, has complete and total immunity in how they govern and handle their proceedings. This Court will not interject Judicial intervention in the legislative process.

Since no official or individual was named in this suit, there is no reason for the Court to make an analysis similar to that of the United States Supreme Court in *Ex Parte Young*, 209 U.S. 123 (1908). However, this Court recognizes that the Tribal Council has every right to conduct their meetings in the manner they feel is the most efficient use of time. No member has any

right to be disruptive in the Council Chamber. Though the Council does not need this Court's blessing, we believe Tribal Council was acting within their legislative authority and function in following the procedure set forth in Roberts Rules of Order when Petitioners were forbidden from attending the meetings of Tribal Council, as the manner and duration were reasonable.

IT IS SO ORDERED:



Chief Justice, David Burrage



Tribal Judge, Frederick Bobb



Tribal Judge, Mitchell Mullin