

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

THE CHEROKEE NATION, )  
 )  
 Plaintiff )  
 and Counterclaim Defendant, )  
 )  
 v. )  
 )  
 )  
 RAYMOND NASH, LARRY WASSON, ROBERT )  
 ALLEN, KATHY WASHINGTON, LISA DUKE, )  
 )  
 Defendants and Counterclaimants, )  
 )  
 and )  
 )  
 KEN SALAZAR, SECRETARY OF THE INTERIOR, )  
 AND THE UNITED STATES DEPARTMENT OF )  
 THE INTERIOR, )  
 )  
 Cross-Claim Defendants. )

No. 10-CV-01169 HHK

**ORDER**

On September 2, 2011, Defendants and Counterclaimants Raymond Nash, Larry Wasson, Robert Allen, Kathy Washington, and Lisa Duke filed a motion and brief in support of a preliminary injunction in this action and in Vann v. Salazar, Case No. 1-10-CV-01711 (HHK). Cross-Claim Defendants Ken Salazar and the U.S. Department of the Interior and Plaintiff and Counterclaim Defendant The Cherokee Nation filed responses to this motion. The Court heard argument on the motion on September 20, 2011. At that hearing, the parties informed the Court that an agreement in principle had been reached between the parties regarding the relief sought in the Motion for Preliminary Injunction. The parties have submitted a joint motion for entry of this proposed Order.

Having considered the parties' joint motion, Plaintiff and Counterclaim Defendant The Cherokee Nation is ORDERED, notwithstanding any provision of tribal law to the contrary, to:

- (1) Pending disposition of the case or further order of the Court, ensure that all Cherokee Freedmen who were enrolled as citizens as of August 22, 2011, are recognized as citizens of the Cherokee Nation.
- (2) Ensure that all Cherokee Freedmen who were recognized as Cherokee citizens and entitled to vote prior to the August 22, 2011, Cherokee Supreme Court decision are permitted to vote in the upcoming election for Principal Chief in the same manner as all other Cherokee citizens, without intimidation or harassment, and to have their votes counted on the same basis as all other Cherokee citizens.
- (3) Notify all registered Cherokee Freedmen voters, in a letter sent via overnight mail no later than September 21, 2011, that:
  - a. They are citizens of the Cherokee Nation, and will be entitled to vote in the upcoming Principal Chief election and to have their vote counted in the same manner as all other Cherokee citizens;
  - b. They may vote in the September 24, 2011 Special Election at their precinct site on September 24, 2011, on a walk-in basis at the Election Commission Headquarters on at least two additional designated dates between September 24 and October 8, 2011, or by absentee ballot as described in paragraph (4) below.
- (4) Provide, in a letter sent via overnight mail no later than September 21, 2011, to all registered Cherokee Freedmen voters who requested an absentee ballot prior to

August 12, 2011, a non-provisional absentee ballot and notification that this ballot will be accepted and counted if received by October 8, 2011.

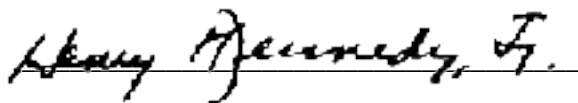
- (5) Secure, safeguard, and refrain from counting all ballots cast in the September 24, 2011, Special Election until after October 8, 2011.
- (6) Submit no later than September 21, 2011, tribal election procedures to the Department of the Interior for review and approval or disapproval pursuant to the Principal Chiefs Act, Pub. L. 91-494 (Oct. 22, 1970). The Department of the Interior will notify the Acting Principal Chief whether it approves or disapproves these procedures no later than September 30, 2011.
- (7) Pending disposition of this case or further order of the Court, ensure that all Cherokee Freedmen citizens have access to and receive rights and benefits on the same terms as any other Cherokee citizen, whether the benefits are provided by funds from the United States or from the Cherokee Nation, or any other source.

IT IS FURTHER ORDERED BY THE COURT that the parties will provide a status report to the Court on October 25, 2011.

IT IS FURTHER ORDERED BY THE COURT that this Order is entered without prejudice to the parties' pending motions, including the pending motions to dismiss.

SO ORDERED.

Date: September 21, 2011



Judge Henry H. Kennedy, Jr.  
U.S. District Judge