

No. SC-CV-57-14

NAVAJO NATION SUPREME

---

Dale E. Tsosie,  
Petitioner/Appellant,

v.

Christopher C. Deschene,  
Respondent/Appellee.

ORDER SETTING BRIEFING

Before YAZZIE, H., Chief Justice, SHIRLEY, E., Associate Justice, and BLACK, I., Associate Justice by Designation.

An appeal from a decision of the Office of Hearings and Appeals concerning Cause No. OHA-EC-005-14, Chief Hearing Officer Richie Nez, presiding.

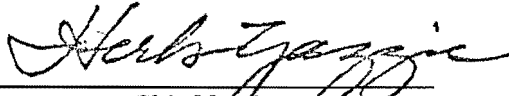
David R. Jordan, Gallup, New Mexico, for Appellant; Christopher C. Deschene, Window Rock, Navajo Nation, Respondent pro se.

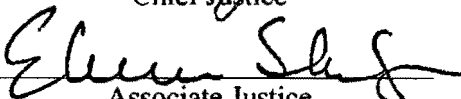
On September 5, 2014 Dale E. Tsosie (Appellant) filed a sworn challenge in the Office of Hearings and Appeals (OHA) alleging Christopher C. Deschene (Appellee) is not qualified for the office of the Navajo Nation President under 11 N.N.C. § 8 because he cannot speak the Navajo language fluently. The OHA dismissed Tsosie's challenge on September 10, 2014 stating Deschene was certified as a candidate on April 25, 2014, therefore, the "time period to challenge the qualifications of Mr. Deschene has since expired." *Order, Tsosie v, Deschene* (OHA September 10, 2014). This appeal followed.

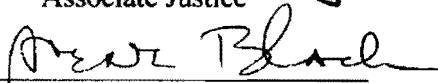
Under 11 N.N.C. § 24(G), this Court is required to "review the appeal no later than 15 days from the date of filing." To ensure a timely review, we have set the following briefing schedule. The OHA shall file the lower court record by 12:00 pm, September 19, 2014. The Appellant shall file his brief by 3:00 pm, September 19, 2014. Appellee shall thereafter file his

response by 3:00 pm, September 24, 2014. No reply brief shall be filed. The parties are to thoroughly brief their arguments and be prepared to discuss pertinent legislative history, precedent, and *Diné Bi Beenahaz'áanii*. Oral argument will be held at 9:00 am, September 26, 2014, at the Tuba City District Court, Court Room #2, in Tuba City.

Dated this 16<sup>th</sup> day of September, 2014.

  
\_\_\_\_\_  
Chief Justice

  
\_\_\_\_\_  
Associate Justice

  
\_\_\_\_\_  
Associate Justice