

No. SC-CV-57-14
No. SC-CV-58-14

NAVAJO NATION SUPREME

Dale E. Tsosie,
Petitioner/Appellant,

v.

Christopher C. Deschene,
Respondent/Appellee.

Hank Whitethorne,
Petitioner/Appellant,

v.

Christopher C. Deschene,
Respondent/Appellee.

ORDER OF CONSOLIDATION
AND REVISION OF BRIEFING SCHEDULE

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 Nos. OHA-FC-005-14 and OHA-FC-007-14, Chief Hearing Officer Richie Nez, presiding.

David Jordan, Gallup, New Mexico, for Appellant Dale E. Tsosie; Justin Jones, Farmington, New Mexico, for Appellant Hank Whitethorne; Christopher C. Deschene, Appellee pro se¹.

This matter comes before the Court for an entry of consolidation and a revised briefing schedule.

On September 5, 2014, Dale E. Tsosie (Appellant Tsosie) filed an appeal challenging the qualification of Christopher C. Deschene (Appellee) for the office of the Navajo Nation President in docket matter SC-CV-57-14. A briefing schedule immediately followed. On September 19, 2014 Hank Whitethorne (Appellant Whitethorne) filed a similar appeal against

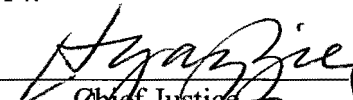
¹ In this expedited appeal, no one has filed an entry of appearance for Appellee.

Deschene raising the same legal issue in docket matter SC-CV-58-14. Both actions were dismissed by the Office of Hearings and Appeals (OHA) on September 10, 2014. Both actions are subject to an expedited review under 11 N.N.C. § 24(G), requiring this Court to “review the appeal no later than 15 days from the date of filing.” To ensure a timely review, we hereby consolidate the appeals and modify our previously issued briefing schedule as follows.

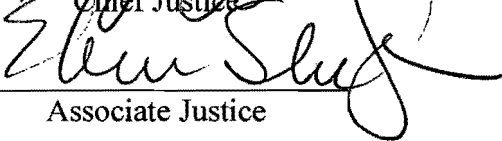
The OHA shall file the lower court record for OHA-EC-007-14 by 4:00 pm, September 23, 2014. Appellant Whitethorne shall file his brief by 9:00 am, September 24, 2014. Appellant Tsosie has already filed his brief. Appellee shall be given an additional day to file a single response to both briefs. Appellee’s brief is due by 3:00 pm, September 25, 2014. No reply brief shall be filed. Our previous instruction remains: The parties are to thoroughly brief their arguments and be prepared to discuss pertinent legislative history, precedent, and *Diné Bi Beenahaz'áanii*.

Oral argument remains as previously scheduled. Oral argument is set for 9:00 am, September 26, 2014, at the Tuba City District Court, Court Room #2, in Tuba City.

Dated this 27th day of September, 2014.



Chief Justice



Associate Justice

TELEPHONIC APPROVAL
Associate Justice