

No. SC-CV-68-14

NAVAJO NATION SUPREME COURT

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Dale Tsosie and Hank Whitethorne,  
Petitioners,

v.

Navajo Board of Election Supervisors  
and the Navajo Election Administration,  
Respondents.

And Concerning:

Christopher C. Deschene,  
Real Party in Interest.

ORDER TO SHOW CAUSE

Before YAZZIE, H., Chief Justice, SHIRLEY, E., Associate Justice.<sup>1</sup>

An original action for a writ of mandamus against the Navajo Board of Election Supervisors and the Navajo Election Administration concerning Cause Nos. OHA-EC-05-14 and OHA-EC-07-14, Chief Hearing Officer Richie Nez, presiding.

David Jordan, Gallup, New Mexico, and Justin Jones, Farmington, New Mexico, for Petitioners; Levon Henry, Chief Legislative Counsel, Window Rock, Navajo Nation, for Respondents; Brian Lewis, Gallup, New Mexico, for Real Party in Interest.

To: Edison J. Wauneka, Director, Navajo Election Administration  
Members of the Navajo Board of Election Supervisors  
Wallace Charley, Chairman  
Jonathan Tso, Vice-Chairman  
Norman L. Begay  
Harry D. Brown, Sr.  
Michael Coan  
Lenora Fulton  
Frannie George  
Ruth Watson  
Tom M. White, Jr.

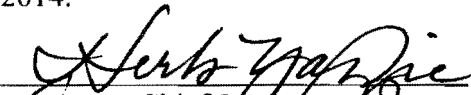
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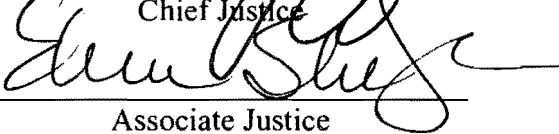
<sup>1</sup> The Court proceeds with a two-justice panel as "necessary and proper." *Benally v. Mobil Oil Corp.*, 8 Nav. R. 365, 368 (Nav. Sup. Ct. 2003). In a previous order in this case, the designated Associate Justice decided not to participate in further proceedings having dissented on jurisdiction.

The Court hereby sets Petitioners' *Motion to Hold Respondents in Contempt of Court and To Issue An Order to Show Cause* for a hearing. The hearing will be held at 10:00 am, October 31, 2014 at the Chinle District Court. The Respondents shall file a single response to the motion by 2:00, October 30, 2014. The response shall be no longer than ten (10) pages in length.

The Court declines to order the presence of all members of the Board and the Director of the Navajo Election Administration. They appear through their attorney, the Chief Legislative Counsel. If the Court determines that there is violation of duty by election officers, violation of the Election Code, or contemptuous conduct, then the Court will address remedial actions.

Dated this 28<sup>th</sup> day of October, 2014.

  
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Chief Justice

  
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Associate Justice