

IN THE DISTRICT COURT OF THE NAVAJO NATION
WINDOW ROCK JUDICIAL DISTRICT

THE NAVAJO NATION,
Plaintiff

vs.

Alice W. Benally, et al.
Defendants

NO. WR-CV-218-11

ORDER
VACATING CLOSURE ORDERS
& PERMITTING FULL ACCESS TO
ADMINISTRATION BUILDING 1

The matter comes before the Court, *sua sponte* regarding the entry of the Navajo Nation Executive Branch and others to Administration Building 1.

The Court had previously ordered the closure of the Administration Building 1, pending the Navajo Nation Executive Branch's identification of a company to clean-up the mold which contaminated the building.

However, despite deep concerns and questions regarding the extent of the mold contamination of Administration Building 1 and the security of potential evidence regarding cases brought before this Court, the evidence is clear that further closure of the Building cannot be continued. It is abundantly clear that during this extended time of closure of Administration Building 1, a significant number of dedicated tribal employees, as a result of the closure, have been required to work under extreme overcrowded conditions.

At least one member of the firm contracted to complete prosecution of the cases filed under this docket number has previously provided verbal assurances before this Court that no significant evidence has been compromised by the matter of the mold contamination. However, the primary prosecuting staff person has not himself appeared before this court to provide additional information and to respond to questions the Court has, despite efforts by the Court to have him appear before the Court on this matter.

Because of the significance of the Court's questions surrounding the circumstances with regard to the near coincidental timing of the prosecution of this case to the finding of mold contamination of Administration Building 1, a location where many source financial records were at one time being held, the Court had considered the appointment of a Special Master to look into the matter, but in the end, the limited resources of the Court, both financial and staffing, are not sufficient to allow such actions to be taken. The Court is required to rely on the integrity of all parties to insure that all documents of legal import are appropriately handled.

IT IS THEREFORE ORDERED:

All orders regarding the closure of Administration Building 1 are hereby VACATED. The Administration Building 1 is open for any actions required to bring it to full operation.

SO ORDERED this 6th day of September, 2012.



Judge, Navajo Nation District Court