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4 **IN THE COURT of THE HUALAPAI NATION**
5 **HUALAPAI RESERVATION, ARIZONA, 86434**
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7 **HUALAPAI INDIAN TIBE OF**)
8 **HUALAPAI RESERVATION**)
9 **Petitioner,**)

Case No. 2012 CV 017

10 **V,**)
11 **GRAND CANYON SKYWALK**)
12 **DEVELOPMENT, LLC, a Nevada**)
13 **Limited Liability company**)
14 **Respondent**)

ORDER: SEVERANCE OF §2.16(K)
Complaint in Condemnation
(Eminent Domain)

14 The Court Finds that:

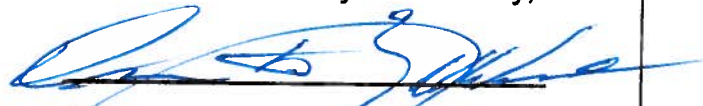
- 15 1. The Court is in receipt of Petitioner, Hualapai Nation (Tribe) filed a Complaint in
16 Condemnation /Eminent Domain on February 8, 2012. Petitioner submitted a
17 letter indicating that pursuant to §2.16(K) of the Law and Order Code that no pro
18 tem judge could preside over this matter. This provision invades the province of
19 the court.
- 20 2. Upon review of the Hualapai Constitution, Article VI §§1, 2, 3, 10, 14 it is clear
21 that the court has jurisdiction in all cases and controversies within the jurisdiction
22 of the Tribe, in law and equity whether criminal or civil in nature.
- 23 3. The Court has the power to declare the laws of Hualapai Tribe void when such
24 laws are not in agreement with this constitution pursuant to Article VI §3 (b) and
25 establishment procedures for Hualapai judiciary, additionally §2.16 (T) of the
Code allows for severance of §2.16(K).

4. The constitution does not mention pro tem judges however pursuant to Article VI, § 14, leaves this unenumerated area to the judiciary, meaning the Chief Judge.
5. The Chief Judge and Associate Judge have conflicts in this matter pursuant to Article VI §10 and are precluded from presiding over this condemnation case.
6. There appears good cause for appointment of a pro tem judge.

IT IS HEREBY ORDERED that

1. Section 2.16(K) shall be severed from the Condemnation Ordinance pursuant to §2.16 (T) because it invades the province of the Court, violates the Separation of Powers and is therefore unconstitutional.
2. Chief Judge Yellowhawk and Associate Judge Marshall shall be recused from this case pursuant to Article VI §10 of the Constitution. This will preserve the independence and integrity of the judiciary.
3. The Chief Judge shall appoint a pro tem judge to hear the matter.

Dated this 17th Day of February, 2012



Duane Yellowhawk, Chief Judge
Hualapai Nation Tribal Court

Distribution of copies to:

Petitioner,

Hualapai Nation
Office of the Chairman
PO Box 179
Peach Springs, AZ 86434

Petitioners' Legal Counsel

Respondent,

Respondent's Legal Counsel