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In the Supreme Court
of the Cheyenne & Arapaho Tribes

CONCHO, OKLAHOMA

FREDERICKS, PEEBLES
& MORGAN LLP,

Plaintiff/Appellant,

v.

No. SC-2019-01

CHEYENNE & ARAPAHO
TRIBES,

Defendant/Appellee.

ON APPEAL OF JANUARY 28, 2019 ORDER OF THE TRIAL COURT
IN CASE NO. CIV-2015-64

CORRECTED PAGES 2 AND 8
NUNC PRO TUNC

BEFORE: Acting Chief Justice Enid K. Boles
Justice Dennis W. Arrow
Justice John J. Kocher
Justice Ryland L. Rivas
Justice Lindsay G. Robertson

II.

Materially, the Fredericks Law Firm's legal-fees claims fall into three categories.

A.

Its first set of claims against the Tribes is for \$1,013,018.83. That is the amount it billed to the Tribes for work done for the Second Legislature from April 2008⁴ to December 31, 2009, and for which it claimed the right to be paid pursuant to a December 30, 2009 Order of this Court that recognized its right to be paid "reasonable attorney's fees" where its work was "reasonably necessary" for the Legislative Branch to have effectively functioned.⁵

The January 28, 2010 Trial Court decision that we review today described those fees as the "ordered fees," and we adopt that description as both accurate and useful.

B.

The second of its claims is for either \$30,086.05 or \$30,636.05,⁶ which the Fredericks Law Firm billed for work done for the Legislative Branch in January and February 2010.

We take judicial notice that the Third Legislature replaced the Second Legislature on Saturday, January 2, 2010, and that the Third Legislature vigorously opposed many of the things that the Second Legislature favored (and vice-versa). We also take judicial notice that rather than hiring a law firm to represent it, except for the short "holdover" contract period, the Third Legislature was at all material times represented by the Office of Legislative Counsel (though then-Governor Boswell stripped that office of some of its lawyers by purporting to unilaterally appropriate them in early February 2010).⁷

⁴ See generally *The Speakership Case* [*Hoffman v. Flyingman*], No. SC-2008-04, slip op., 11 Okla. Trib. 282, 2008 WL 10675383 (Cheyenne & Arapaho S.Ct. Nov. 20, 2008) (describing the April 30, 2008 "filibustered" Special Session, at which the First Legislature's Speaker, Ida Hoffman, sought to retain her Speakership over the Second Legislature without a Second Legislature vote, and at which the Fredericks Law Firm's status was affected in a way unrelated to the outcome of this case).

⁵ See *The Budget Stalemate Case* [*In re Executive Authority*], No. SC-2007-02, slip op. at 34-35, 11 Okla. Trib. 927, 978-79, 2009 WL 10271473 (Cheyenne & Arapaho S.Ct. Dec. 30, 2009) (emphasis added):

To whatever extent that either or both attorneys and/or sets of attorneys have not been paid REASONABLE ATTORNEYS' FEES for the representation described in Part IV, we direct the Governor to pay such attorney's fees, as having been "reasonably necessary for the Executive and Legislative Branches (and the Election Commission) to effectively operate" from April 4, 2006 until the close of business on December 31, 2009.

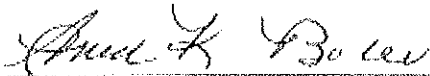
⁶ Both figures appear in the Record, but which is correct is irrelevant for present purposes.

⁷ See *Legal Staff Transfer Results in Disputes*, WATONGA REPUBLICAN, Feb. 17, 2010, at B4.

V.

The Court Clerk is directed to provide copies of this Opinion and Order to Governor Reggie Wassana; to Executive Branch attorneys Hershel M. Gorham, Antonio B. Church, and Dayrah Yellowfish Elizondo; to Deputy Attorney General Billy Shepherd; to all Legislators; to Legislative Legal Counsel Joseph Morsette; to the Tribal Council Coordinator; to Judge Michael Belanger; to Thomasina Real Bird, the current Counsel of Record for the Fredericks Law Firm, at two different addresses [as indicated in the accompanying footnote^m], and to Thomas W. Fredericks at the Fredericks Law Firm address indicated in footnote 30.

IT IS SO ORDERED.



Acting Chief Justice Enid K. Boles (for the Court)

ALL JUSTICES CONCUR.

^m The first copy to Ms. Real Bird will be sent to her at her new address, which is:

357 S. McCaslin Blvd.
Suite 200
Louisville, CO 80027

The second copy to Ms. Real Bird will be mailed to her at the following address:

Fredericks, Peebles, & Morgan LLP
1900 Plaza Drive
Louisville, CO 80027