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Tribal Court of the Osage Nation  
**FILED**

SEP 30 2009

**IN THE TRIBAL COURT OF THE OSAGE NATION  
OSAGE NATION RESERVATION**

Carol McIntire COURT CLERK  
By *[Signature]*

IN RE: CONGRESSIONAL  
SUBPOENA OF JOHN JECH OF  
SEPTEMBER 23, 2009

Case No.: CIV-09-08

With Interested Parties Stated As:

ANTHONY SHACKELFORD, Acting  
Speaker of the Osage Congress; and  
JERRI JEAN BRANSTETTER,  
Chairwoman of the Osage Congress  
Government Operations Committee

**EX PARTE MOTION TO QUASH SUBPOENA**

COMES NOW John Jech, Osage Nation Treasurer, without waiving any applicable rights, claims, or defenses, pursuant to Section 6 of ONCA 07-48 requests this Court quash the subpoena dated September 23, 2009. In support of his motion, Petitioner alleges as follows:

**BACKGROUND**

1. On September 23, 2009, Petitioner was served with a congressional subpoena dated September 23, 2009 (the "subpoena"). A copy of the subpoena is attached as Exhibit "A."
2. Interested Parties are identified as Anthony Shackelford, Acting Speaker of the Osage Nation Congress, and Jerri Jean Branstetter, Chairwoman of the Osage Congress Government Operations Committee, both of whom signed the subpoena.
3. The subpoena demands Petitioner's attendance at 11:00 a.m. on October 1, 2009.

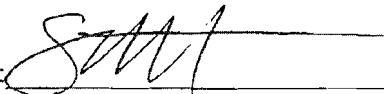
4. The subpoena demands testimony from Petitioner “regarding expenditures of the Tax Commission in fiscal years 2006, 2007, 2008, and 2009.”
5. The subpoena also demands Petitioner to bring “check registers of the Tax Commission for fiscal years 2006 and 2007.”
6. Section 6(B)(3) of ONCA 07-48, the “Congressional Subpoena Act,” provides jurisdiction to the Osage Nation’s courts to quash or modify a subpoena if it subjects a person to undue burden or hardship.
7. As of the date of this filing, the Osage Congress has enacted no other rules or regulations establishing procedures for congressional evidentiary hearings under the Act, thereby creating potential for due process violations under the Act.
8. Section 4 of the Act states that Congressional subpoena power is limited to the purpose of “carrying out any of its functions and duties.” Pursuant to Section 2 of the Act, those duties are stated to be research and investigation of legislative issues and drafting and voting upon legislation. The subpoena is unduly burdensome upon Petitioner as it fails to identify any valid legislative purpose for demanding Petitioner’s attendance and production of documents, and therefore falls outside of Congress’ legislative function.
9. The subpoena demands Petitioner to bring “any and all documents in your possession regarding the wire transfer of August 27<sup>th</sup>, 2009 to Indian Country Renewable Energy in the amount of \$5,000.” Thus, if the basis for the subpoena is, in fact, an investigation into a wire transfer which occurred on August 27, 2009, testimony or documents pertaining to other transactions would be irrelevant and unduly burdensome upon Petitioner.

**CONCLUSION**

For the aforementioned reasons, Petitioner respectfully requests this Court to grant Petitioner's motion to quash the above-referenced subpoena. A proposed order is attached for the Court's convenience.

Respectfully submitted this 30<sup>th</sup> Day of September, 2009.

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