



ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

THE CHEROKEE NATION, ET AL.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR, ET AL.,

Defendants.

No. 122,108

FILED
SUPREME COURT
STATE OF OKLAHOMA
AUG 12 2024
JOHN D. HADDEN
CLERK

**GOVERNOR J. KEVIN STITT'S RENEWED
MOTION TO SET ORAL ARGUMENT**

BACKGROUND

After this certified question of law was submitted to this Court, the Governor requested an order setting a briefing schedule and setting the case for oral argument. *See* Gov'r's Mot. to Set Briefing Schedule and Oral Argument (May 16, 2024). The Court originally granted the Governor's motion to set a briefing schedule but stated that the "Governor's motion for oral argument is deferred until after briefing is completed." Order (May 22, 2024). When the Court withdrew the original briefing schedule and issued a subsequent order amending the briefing schedule, it did not address the Governor's pending motion for oral argument. *See* Order (Jun. 7, 2024). The parties' briefing concluded on July 23, 2024, and the Court instructed that "[n]o further briefing shall be permitted." *Id.* at 3. The Governor's pending motion for oral argument is therefore ripe for this Court's renewed consideration.

ARGUMENT AND AUTHORITIES

This Court has the inherent authority to schedule oral argument in any proceeding before it. *See, e.g., Winters v. City of Okla. City*, 198 OK 731, 8, 740 P.2d 724, 726-12 O.S. ch. 15, app. 1, Okla.Sup.Ct.R. 1.9. For the same reasons articulated in the Governor's original motion, oral argument could materially benefit the Court in resolving the certified question.

Received:	8.12.24
Docketed:	JM
Marshal:	
COVOKC:	

OK/11/8, 740 P.2d 724, 726-12 O.S.

The significant public importance of the certified question presented to this Court has not diminished in the two months since the Governor filed his original motion. In fact, the salience of the question presented has only intensified with the short passage of time. For instance, since this Court entered its June 7, 2024 Order, an Oklahoma County District Judge stayed a case involving similar issues pending resolution of the certified question. *See State of Oklahoma ex rel. Office of Mgmt. and Enterprise Serv. v. Kleo, Inc. d/b/a Classwallet*, Dist. Ct. of Okla. Co., Case No. CJ-2024-619 (Dist. Co. of Okla. Co. filed 2024). In that case, the Attorney General has asserted the right to take over—and immediately dismiss with prejudice—litigation being prosecuted by special counsel appointed by the Governor.

Setting this case for oral argument will allow the Governor and the Attorney General the opportunity to fully articulate their positions on a question of significant public importance in the State of Oklahoma, and to address any questions the Court may have about recent public developments that magnify the dispute, including the Attorney General's unprecedented actions in the Oklahoma County matter. This will aid the Court in its resolution of this certified question.

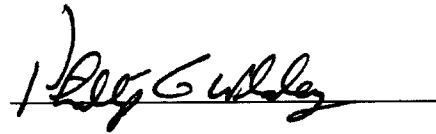
Moreover, the parties' briefing on the certified question involves the application of various constitutional provisions, statutory provisions, and even the professional rules of conduct. This question involving the intersection of constitutional and statutory provisions deserves careful consideration by the parties and the Court, especially because it involves the authority of public officials of the executive branch. And when a unique case such as this also implicates foundational tenets of attorneys' professional responsibilities to a client, it warrants special consideration given the potential impact on the legal profession. Oral argument could be of assistance to the Court in its consideration of the important questions at issue.

Finally, setting the case for oral argument would not materially prejudice any party or result in undue delay.

CONCLUSION

For the foregoing reasons, the Governor respectfully requests that this Court set this case for oral argument at a time and date convenient for the Court.

Respectfully submitted,



Jeffrey B. Wall, [D.C. Bar # 500301*]
Judson O. Littleton, [D.C. Bar # 1027310*]
Zoe A. Jacoby, [D.C. Bar #1673642*]
SULLIVAN & CROMWELL LLP
1700 New York Avenue, NW, Suite 700
Washington, DC 20006
Phone: (202) 956-7500
Fax: (202) 956-7676
wallj@sullcrom.com
littletonj@sullcrom.com
jacobyz@sullcrom.com

and

Phillip G. Whaley, OBA No. 13371
Matthew C. Kane, OBA No. 19502
Patrick R. Pearce, Jr., OBA No. 18802
RYAN WHALEY
400 North Walnut Avenue
Oklahoma City, OK 73104
Phone: (405) 239-6040
Fax: (405) 239-6766
pwhaley@ryanwhaley.com
mkane@ryanwhaley.com
rpearce@ryanwhaley.com

***Counsel for Defendant
Governor J. Kevin Stitt***

**pro hac vice application forthcoming*

CERTIFICATE OF SERVICE

This certifies that on this 12th day of August, 2024, a true and correct copy of the foregoing instrument was mailed via first class U.S. mail, postage prepaid, to the following:

Gentner F. Drummond
Garry M. Gaskins, II
OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA
313 N.E. 21st Street
Oklahoma City, OK 73105
Counsel for the Attorney General

Colin Cloud Hampson
Frank Sharp Holleman, IV
SONOSKY, CHAMBERS, SACHSE, ENDRESON
& PERRY, LLP
145 Willow Street, Suite 200
Bonita, CA 91902
Counsel for Plaintiffs

Meredith Presley Turpin
THE CHICKASAW NATION
Office of Executive Counsel
2021 Arlington Street
Ada, OK 74820

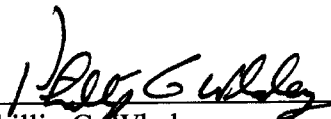
Brian Danker
CHOCTAW NATION OF OKLAHOMA
1802 Chukka Hina
Durant, OK 74701
Counsel for Plaintiff Choctaw Nation

and

Stephen Greetham
GREETHAM LAW, P.L.L.C.
Office of Senior Counsel
512 N. Broadway, Suite 205
Oklahoma City, OK 73102
Counsel for Plaintiff Chickasaw Nation

Chad C. Harsha
CHEROKEE NATION-ATTORNEY GENERAL
OFFICE
P.O. Box 1533
Tahlequah, OK 74465
Counsel for Plaintiff Cherokee Nation

Kristofor R. Swanson
Matthew M. Marinelli
DOJ-ENRD
Natural Resources Section
P.O. Box 7611
Washington, DC 20044
*Counsel for Defendant U.S. Dep't of
Interior*


Phillip G. Whaley