

FILED

2010 JUN 16 A 9:46

IN THE CROW TRIBAL COURT

By: [Signature]
Court Clerk

IN AND FOR THE CROW INDIAN RESERVATION

GERALD "JAY" HARRIS)
)
 Plaintiff,)
)
 Vs.)
)
 ELDENA BEARDON'T WALK)
)
 Defendant.)

CIVIL CASE NO. 10-078

ORDER GRANTING
TEMPORARY INJUNCTION

Plaintiff Gerald "Jay" Harris filed a Complaint on February 26, 2010, seeking, inter alia, an injunction against Defendant BearDon'tWalk from conducting future Crow Bar Examinations. Defendant filed a Preemptory Motion to Dismiss the Complaint on March 19, 2010, and then on May 28, 2010, Defendant filed a Motion For Continuance claiming a scheduling conflict, and stating that Defendant's counsel could not be available for the hearing on the Motion to Dismiss until after July 11, 2010. The Court granted Defendant's Motion For Continuance and Ordered that the hearing on the Motion to Dismiss be set for July 12, 2010 at 1:00 pm MST. This Court has been advised that the July, 2010 Crow Bar Examination has been scheduled and advertised for July 16, 2010.

When a motion to dismiss is filed claiming that the Plaintiff has failed to allege a claim upon which relief can be granted, this court must consider the CLOC Rule 7 motion to be a motion pursuant to Rule 12(b)(6) FRCP, and thus consider the allegations set forth in the Complaint as true. Based upon the foregoing record, the applicable rules of civil procedure, the statutory mandate of Title 3, Section 3-7-702 that requires that the Crow Bar Examination be

given in July of each year, and the fact that the Crow Bar Examination has been scheduled and advertised for July 16, 2010, this Court finds as follows:

Time is of the essence and irreparable injury may occur to future Crow Bar Examinees if immediate relief is not granted.

Based upon the facts set forth in the Complaint this Court finds that:

- a. No Crow Bar Examination Rules exist applicable to all Crow Bar examinees;
- b. No Crow Bar Examination Board exists to administer Crow Bar Examination Rules;
- c. July, 2010 Crow Bar examinees do not have a grievance procedure.

This Court further finds, based upon the facts set forth in the Complaint that Defendant in February, 2010:

- a. Did not present to the February 2010 Crow Bar examinees a Crow Bar Examination that was fair on its face;
- b. Did not provide the February 2010 Crow Bar examinees a bar examination procedure that guaranteed examinee anonymity;
- c. Did not grade the February 2010 Crow Bar examination in a fair and impartial manner;
- d. Did not provide Plaintiff with adequate timely notice of his test score.

IT IS HEREBY ORDERED:

That Defendant BearDon'tWalk is hereby ENJOINED AND RESTRAINED
from advertising, conducting, presenting, grading, and announcing test scores for the July, 2010
Crow Bar Examination or any future Crow Bar Examination until further Order of this Court.
DATED this 11th day of June, 2010.




Special Judge, Crow Tribal Court

Cc: Gerald "Jay" Harris
Eldena Bear Don't Walk