

**IN THE CROW TRIBAL COURT
IN AND FOR THE CROW RESERVATION
P.O. BOX 489, CROW AGENCY, MONTANA 59022
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<p style="text-align:center">IN THE MATTER OF:</p> <p>CEDRIC BLACK EAGLE, in his official capacity as Chairman of the Crow Tribe,</p> <p style="text-align:center">Petitioner,</p> <p>vs.</p> <p>CROW TRIBAL LEGISLATURE,</p> <p style="text-align:center">Respondent.</p>	<p style="text-align:center">CASE NO. 11-193</p> <p style="text-align:center">ORDER</p> <p style="text-align:center">GRANTING TEMPORARY RESTRAINING ORDER</p>
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Pursuant to Rule 22 of the Crow Rules of Civil Procedure, Petitioner Cedric Black Eagle, in his official capacity as elected Chairman of the Executive Branch of the Crow Tribe, has moved this Court for a temporary restraining order and preliminary injunction against the Respondent Crow Tribal Legislature, enjoining both parties from implementing, administering or enforcing Crow Legislative Bill No. 11-01 (CLB 11-01) during the pendency of this action.

The petitioner has alleged that CLB 11-01 threatens irreparable injuries to the Executive Branch of Crow government. The irreparable injuries would allegedly be caused by a violation of the Crow Constitution's separation of powers and by unworkable restraints on the fiscal administration of tribal government and other Executive Branch functions, including the threat of criminal and civil penalties against tribal officials and employees. A constitutional violation of

the type alleged presents an injury that is presumptively irreparable. The alleged injury affecting tribal government administration, including the imposition of criminal and civil penalties for non-compliance with CLB 11-01, is of a type that could not be remedied by an award of monetary damages. Thus this allegation, too, presents the threat of an irreparable injury.


An ex parte temporary restraining order is warranted under the circumstances presented in this case because it is impossible to schedule and have a Show Cause Hearing before July 11, 2011, the date on which CLB 11-01 would apparently become effective according to CLB 06-08. A temporary restraining order, issued now and remaining in effect until a hearing may be held, will not prejudice the respondent's ability to assert its arguments of fact and law relevant to the issue of irreparable harm. In contrast, the irreparable injuries alleged by the petitioner appear imminent and the effectiveness of a preliminary injunction ordered after the hearing would be weakened if a temporary restraining order does not preserve the status quo until the hearing.

Upon Petitioner Black Eagle's motions and upon reviewing the verified Complaint submitted in support thereof, it is hereby

ORDERED that both parties are TEMPORARILY RESTRAINED from implementing, administering, and enforcing CLB 11-01, as applied to any of the three branches of Crow Tribal Government, pending further order of this Court, and it is further

ORDERED that the parties shall appear at a Show Cause Hearing on petitioner's motion for a preliminary injunction on July 22, 2011, at 10:00 a.m.

SO ORDERED.


JUDGE JULIE A. YARLOTT
CROW TRIBAL COURT

DATED this 8th day of July, 2011.

