

Trial Court of the Osage Nation  
FILED

IN THE TRIAL COURT OF THE OSAGE NATION  
PAWHUSKA, OKLAHOMA

AUG 05 2021

BY



Osage News Editorial Board  
Plaintiff(s)

Kathryn Gardner  
Attorney(s) for Plaintiff(s)

Case No. CV-2021-03

Principal Chief of the Osage Nation  
Geoffrey Standing Bear  
Defendant(s)


Terry M. Moore  
Attorney(s) for Defendant(s)

COURT MINUTE

Date: 08/04/2021

Appearances:

The Petitioner/Claimant appears through its counsel, Kathryn E. Gardner. The Respondent appears specially through his counsel Terry M. Moore. This matter comes for hearing upon the Respondent's Motion to Dismiss. The Court receives oral argument from the parties' counsel. The Court having reviewed the Motion to Dismiss and the Objection and Exhibits as filed by the Petitioner/Claimant, grants Respondent's Motion to Dismiss and grants Petitioner/Claimant leave to file an amended Claim naming a proper Government Entity, as that term is defined by 15 ONC §8-102(E). Petitioner/Claimant is granted twenty (20) days for this date to file its Amended Claim.

  
\_\_\_\_\_  
Judge

AUG 05 2021

IN THE TRIAL COURT OF THE OSAGE NATION  
PAWHUSKA, OKLAHOMA

BY 

OSAGE NEWS EDITORIAL BOARD, )  
)  
Claimant, )  
)  
vs. )  
)  
PRINCIPAL CHIEF OF THE OSAGE )  
NATION, GEOFFREY STANDING BEAR, )  
)  
Respondent. )

Case No. CV-2021-03

**ORDER**

NOW on this 4<sup>th</sup> day of August, 2021, this matter comes before the Court on Respondent’s Motion to Dismiss. The Claimant, Osage News Editorial Board, appears through its counsel, Kathryn E. Gardner. The Respondent, Chief Geoffrey Standing Bear, appears specially through counsel Terry M. Moore. The Court having heard the argument of counsel, having reviewed the file and the pleadings therein and being fully advised, finds and Orders as follows:

1. It appears that Claimant filed an Open Records Request Form dated December 15, 2020 requesting certain records from the Executive office of the Osage Nation.
2. Said Request was responded to by the Attorney General of the Osage Nation in a written letter dated December 28, 2020 which denied said request.
3. On June 2, 2021, Claimant timely filed a Claim of Records Access with this Court as required by 15 ONC 8-109 and named Principal Chief of the Osage Nation Geoffrey Standing Bear as Respondent.
4. The Respondent, entered a Special Appearance and filed a Motion to Dismiss which is now before the Court.
5. A request for Public Records from the Osage Nation is controlled by 15 ONC §8-101 *et seq.* “Open Records Act.”
6. Pursuant to the Open Records Act, a request for public records is made to a “governmental entity,” as that term is defined by 15 ONC §8-102(E).

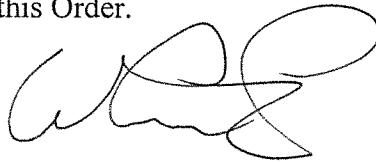
A “Governmental Entity,” means any administrative, advisory, executive, judicial, or legislative office or body of the Osage Nation, including without limitation, all boards, committees, special or advisory committees or subcommittees, commissions, departments, agencies, independent agencies, business entities and other instrumentalities whose board of

directors are appointed or elected by the Osage Nation. There shall be two (2) categories of a government entity as follows:

1. "Business government entity," means the gaming enterprise, limited liability companies or any other for-profit instrumentality of the Osage Nation; and
  2. "Non-business government entity," means all government bodies of the Osage Nation that are not business government entities.
7. The language of the Open Records Act requires that "government entities," provide public records upon request, unless the requested records are protected by statute from disclosure.
  8. The Claim of Records Access as filed in this matter names an individual, Principal Chief of the Osage Nation, Geoffrey Standing Bear as the Respondent.
  9. Principal Chief Geoffrey Standing Bear, is not a "government entity," as that term is defined by the Open Records Act and therefore the Motion to Dismiss as to Principal Chief Geoffrey Standing Bear should be granted.
  10. However, the Claimant should be granted leave to file an Amended Claim of Records Access which names a proper government entity as respondent within twenty (20) days of the date of this Order.

**IT IS THEREFORE ORDERED ADJUDGED AND DECREED** by the Court that Respondent's Motion to Dismiss shall be granted and that Principal Chief Geoffrey Standing Bear shall be dismissed from this matter as a Respondent.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED**, by the Court that Claimant shall be granted leave to file an amended claim of records access with this Court within twenty (20) days of the date of this Order.



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W. Lee Stout  
Judge of the Trial Court