

IN THE TRIAL COURT OF THE OSAGE NATION  
PAWHUSKA, OKLAHOMA

OSAGE NEWS EDITORIAL BOARD,	)	
Claimant,	)	
	)	
vs.	)	CASE NO. CV-2021-0003
	)	<b>MOTION FOR DEFAULT</b>
OSAGE NATION EXECUTIVE BRANCH,	)	<b>JUDGMENT</b>
OFFICE OF THE CHIEFS - PRINCIPAL CHIEF	)	
OF THE OSAGE NATION GEOFFREY	)	
STANDING BEAR, in his official capacity,	)	
Respondent.	)	

**MOTION FOR DEFAULT JUDGMENT**

Plaintiff, *Osage News Editorial Board*, moves this Court to enter default judgment against, *Osage Nation Executive Branch, Office of the Chiefs – Principal Chief of the Osage Nation Geoffrey Standing Bear, in his official capacity*, in this Amended Claim of Records Access matter and grant an order compelling the disclosure of the requested records and any such other relief the Court sees fit.

This Motion is made on the grounds that Defendant was served with the Amended Claim of Records Access, Notice of Hearing, and Summons on September 10, 2021. Personal service was made on Defendant on September 10, 2021, by a member of the Osage Nation Police Department, as evidenced by the Declaration of Service filed in the Osage Nation Trial Court on September 13, 2021. *See* Plaintiff's Exhibit A, Declaration of Service.

Defendant has failed to answer, appear, or otherwise defend in this action within 30 days as required by ON-OR-01, procedures for Claim of Records Access; and accordingly, Defendant is in default. *See* Plaintiff's Exhibit B, Osage Nation Judicial Branch Open Records Act Information Sheet, 2.

According to Osage Nation Rules of Court in re: Civil Matters, Rule 1.12, “[n]otice of taking default is not required where the defaulting party has not made an appearance.”

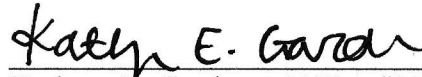
Plaintiff therefore requests this Court:

(1) Enter default judgment against Defendant, *Osage Nation Executive Branch, Office of the Chiefs – Principal Chief of the Osage Nation Geoffrey Standing Bear, in his official capacity*, in this Amended Claim of Records Access matter;

(2) Grant an order compelling the disclosure of the records requested by Plaintiff; and

(3) Grant any such other relief the Court sees fit in accordance with 15 ONC § 8-113.

Respectfully submitted,



Kathryn E. Gardner, ONBA #285  
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Press

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Counsel for Claimant

Osage News Editorial Board

# PLAINTIFF'S EXHIBIT A

21-0837

IN THE TRIAL COURT OF THE OSAGE NATION  
PAWHUSKA, OKLAHOMA

Trial Court of the Osage Nation  
FILED

SEP 13 2021

BY

OSAGE NEWS EDITORIAL BOARD,

Claimant,

vs.

Case No. CV-2021-0003

OSAGE NATION EXECUTIVE  
BRANCH, OFFICE OF THE CHIEFS -  
PRINCIPAL CHIEF OF THE OSAGE  
NATION, GEOFFREY STANDING  
BEAR, IN HIS OFFICIAL CAPACITY.

Respondent.

**DECLARATION OF SERVICE**

I certify under the penalty of perjury under the laws of the Osage Nation of Oklahoma and the State of Oklahoma that I am 18 years of age or older and not a party in the above-named matter.

On 9/10/2021 (date) at approximately 1623 a.m./p.m.,  
I delivered or caused to be delivered true and correct copies of the following documents:

CV-2021-0003 Summons with Amended Claim of Records Access attached; CV-2021-0003 Notice of Hearing

☒ by personally serving: H. Cedar - Executive Branch

☐ Petitioner (or counsel) ☒ Defendant/Respondent (or counsel)

At the following location/address:

627 Grandview Ave Pawhuska, OK 74056

9/10/2021  
Date

[Signature]  
Signature

Nicholas J. Williams Chief of Police  
Printed Name (& Title if applicable)

# PLAINTIFF'S EXHIBIT B



## OSAGE NATION JUDICIAL BRANCH

### OPEN RECORDS ACT

### INFORMATION SHEET

If you feel you have been improperly denied access to records after filing an Open Records Act claim with an entity or department of the Osage Nation and you would like the denial to be reviewed by a Judge of the Osage Nation Trial Court, you may file a *Claim of Records Access*, Form ON-OR-02, in the Osage Nation Court Clerk's Office (Clerk's Office).

#### **Who may file a claim?**

Any member of the public receiving a notice of denial of a record request may challenge the denial by making a claim for record access in the Trial Court of the Osage Nation.

#### **Is there a time limit in which to file a claim?**

Yes, one hundred eighty (180) days from the date of the request denial.

#### **Is there a form?**

Yes, the Court has created a form for public use, the *Claim of Records Access*, ON-OR-01, which you will find attached. This form is available at the Court and is a mandatory form – the only form accepted for this type of action.

When filling out the form, the "Claimant" is the person/entity claiming they have been denied records access and the "Respondent" is the Osage Nation department or entity who denied the record request.

You must attach a copy of your original *Open Records Request* to the *Claim of Records Access*.

#### **How do I file a claim?**

Deliver your complete *Claim of Records Access* form to the Clerk's Office at 1333 Grandview Ave., Pawhuska, Oklahoma between the hours of 8:30 a.m. and 4:30 p.m. for filing.

#### **Will I be required to pay any fees?**

You must pay a \$55.00 filing fee and a \$55.00 service fee in order to file your claim. This may be paid by submitting a \$110.00 **money order** or **cashier's check**. No other form of payment will be accepted. If you are acting in an official capacity representing an Osage Nation officer or entity you are not required to pay a filing or service fee.

### **What happens once the Claim of Records Access is filed?**

Once you file your *Claim of Records Access* and pay your filing and service fees, the Clerk will assign a case number to your *Claim of Records Access* and will issue a *Summons* and a *Notice of Hearing*. Your hearing will be scheduled on a date at least sixty (60) days after you file your *Claim of Records Access*. You will receive copies of all the documents you file and all the documents the Clerk generates.

### **How will the Respondent know I've filed a claim?**

The Clerk will arrange for the Osage Nation Police Department (ONPD) to serve a copy of your *Claim of Records Access*, the *Summons*, and a *Notice of Hearing* on the Respondent.

### **How will I know the Respondent has been served?**

The ONPD will submit a *Declaration of Service* form to the Clerk's Office which records the date and time the documents are served on the Respondent. The Clerk will forward a copy of the *Declaration of Service* form to you for your records.

### **What happens once the Respondent is served?**

The Respondent will have thirty (30) days from the date the documents are served on them to file an *Answer* to your *Claim of Records Access* in the Clerk's Office. They are also responsible for delivering a copy of their *Answer* to you.

### **Can I respond to their Answer?**

Yes, you may respond to their *Answer* by filing a response in the Clerk's Office and mailing or delivering a copy of your response to the Respondent.

### **What do I do the day of the hearing?**

- (1) Be on time for your hearing and be prepared for the hearing.
- (2) Bring your copy of the *Claim of Records Access*, your original *Open Records Request*, the Respondent's *Answer*, any documents that support your claim, and any information that will help the Court decide your case.
- (3) Be prepared to answer the judge's questions.

### **When will I know the Court's decision?**

The Court may make a decision immediately in court on the record and follow up with a written order; or the Court may take the matter "under advisement" and issue a written decision within thirty (30) days.

**Who can appeal the Court's decision?**

A party who believes the Court made the wrong decision may appeal the Trial Court's decision to the Osage Nation Supreme Court by filing a Petition in Error and submitting appropriate filing and service fees within thirty (30) days of the date stamped on the Court's Order.