

IN THE TRIAL COURT OF THE OSAGE NATION
PAWHUSKA, OKLAHOMA

MAR 30 2022

Osage News,
Claimant,

BY 

vs.

Case No. CW-2022-0005

Department of the Treasury,
Osage Nation Executive Branch
Respondent.

CLAIM OF RECORDS ACCESS

COMES NOW the above-named Claimant against the Respondent and alleges and states as follows:

1. The Claimant requested the following public record: "All payments made by any means from Osage Nation treasury to the law firm Barrow & Grimm from Sept. 1, 2021 to present."

by the following means (written request, e-mail request, etc.): Electronic copy

from the following Osage Nation entity (Respondent official entity name): Department of the Treasury, Osage Nation Executive Branch

on the 19th day of January, 20 22.

Claimant utilized the following Respondent address/contact information to make said request:
Jason Zaun, Osage Nation Chief of Staff - jzaun@osagenation-nsn.gov

(Please attach a copy of the request made by Claimant).

2. The Respondent provided the following response to the Claimant:

Respondent determined the requested record is protected from disclosure on the 31 day of January, 20 22, as shown by the attached response of Respondent.

Respondent failed to respond to the request according to the requirements set forth in 15 ONC § 8-107(E) as follows: _____

WHEREFORE, Claimant prays this Court grant an order to compel disclosure of the requested record and any such other relief the Court sees fit in accordance with 15 ONC § 8-109(D) and 15 ONC § 8-113.

Respectfully submitted,

Kathryn E. Gardner
Claimant

VERIFICATION

(Verification required if Claimant is represented by legal counsel; Claim for Records Access may be signed without verification by Claimant appearing *pro se*.)

I verify that I have prepared and read this claim and verify that all of the factual allegations contained in this claim are in fact true and correct to the best of my knowledge and belief, under penalty of perjury.

Kathryn E. Gardner, ONBA #285
Local Legal Initiative Attorney Oklahoma
Reporters Committee for Freedom of the Press
110 S. Hartford Ave., Ste. 2524
Tulsa, OK 74120
(918) 255-0060

Kathryn E. Gardner
Counsel for the Claimant

Subscribed and sworn to before me this 30 day of March, 20 22.



Kathy Hicks
Court Clerk / Notary Public *in the alternative*

OPEN RECORDS REQUEST FORM

Requests for public records from the Osage Nation are subject to the Open Records Act (ONCA 10-05). In order to request an Osage Nation document, please fill out the following form. All requests will be completed in the order they are received.

Name_ Louise Redcorn_____

Address 604 Kihakah, Pawhuska

Organization Osage News

Telephone 918-287-7300/ 918-287-5607 Fax Email louise.redcorn@osagenation-nsn.org

Date of Request 1/19/2022

Document(s) Requested:

All payments made by any means from Osage Nation treasury to the law firm Barrow & Grimm from Sept. 1, 2021 to present.

(Attach additional page(s) if necessary)

Department from which records are requested: Osage Nation Treasury

Preferred form of document(s) requested: (Please check one. Note: Not all documents available in electronic form)

_____ Hard Copy

_____xx_____ Electronic Copy

The Open Record Act designated public records and protected records. Confidential and protected records are not open to the public, and therefore will not be distributed upon request. Records containing protected information are segregated or redacted from the remainder of the otherwise public record if the remainder of the document is discernible.

Notice: Please allow ten (10) days, excluding holidays, for your request to be processed. A \$.25 per page fee will be assessed for all hard copies exceeding twenty-five (25) pages and all electronic copies exceeding one hundred (100) pages. If the requested record is more than one hundred (100) pages in length or the sum of all records requested by one request are more than one hundred (100) pages, the request will be processed within twenty (20) business days, excluding holidays.

Louise Redcorn

Signature

1/19/2022

Date

1071 Grandview Lane
Pawhuska, OK 74056



T:918-287-5514
F:918-287-5468

Via email to louise.redcorn@osagenation-nsn.gov

January 31, 2022

Louise Red Corn
Osage News
604 Kihekah Ave.
Pawhuska, OK 74056

RE: Open Records Request dated January 19, 2022

Dear Mrs. Red Corn:

Respectfully, we must deny your open records request dated January 19, 2022. You requested "(a)ll payments made by any means from Osage Nation treasury to the law firm Barrow & Grimm from Sept. 1, 2021 to present" from the Osage Nation Treasury Department.

I am denying your request under the Osage Nation Open Records Act per 15 ONCA § 8-104 (A)(11), which states: "Information contained within or related to a contract, lease or other agreement which is confidential and/or proprietary in nature" are deemed protected records not considered public for the purposes of required disclosure. "Confidential information" means information whose unauthorized disclosure is prejudicial to the interest of the Osage Nation. 15 ONCA § 8-102 (C). "Proprietary" means information in which the owner has a legally protectable interest as identified in writing to the appropriate government official. 15 ONCA § 8-102 (H).

The payments you seek are relate to a contract with a law firm for a specific civil litigation matter, which is ongoing. Releasing the requested billing information publicly could adversely influence the party's interests (as well as the Nation's interests). Therefore, the Nation has determined the requested records are confidential and proprietary at this time.

You have the right to file a petition in the Osage Nation Trial Court for an order releasing the records within one hundred eighty (180) days from the date of this denial.

We appreciate your concerns with Osage Nation issues and we wish you and the Osage News best of luck in the future.

Best regards,

A handwritten signature in blue ink, appearing to read 'Clint Patterson', with a horizontal line extending to the right.

Clint Patterson,
Osage Nation Attorney General