

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

MARILYN VANN, DONALD MOON, )  
RONALD MOON, )  
HATTIE CULLERS, CHARLENE WHITE, )  
And RALPH THREAT, )

Plaintiffs, )

v. )

DIRK KEMPTHORNE, Secretary of the )  
United States Department of the Interior; )  
UNITED STATES DEPARTMENT OF )  
THE INTERIOR, )

CHEROKEE NATION OF OKLAHOMA )

CHADWICKE SMITH, Individually and in )  
His Official Capacity )

John Does, Individually and in their official )  
capacity )

Defendants, )

Case No.: 1:03cv01711 (HHK)

Judge: Henry H. Kennedy

Docket Type: Civil Rights  
(non-employment)

Date Stamp: 08/11/03

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. Pro. 65, Plaintiffs, by and through their counsel, respectfully move for entry of a preliminary injunction to enjoin the Federal Defendants from taking the following actions until the Cherokee Nation restores Plaintiffs' full citizenship rights and complies with the Act of 1970: (1) distributing funds to the Cherokee Nation; (2) recognizing any Cherokee Nation election; and (3) recognizing the government-to-government relationship with the Cherokee Nation. Plaintiffs also respectfully request that this Court enjoin the Cherokee Nation Defendants from denying Plaintiffs their full citizenship rights and from holding any election as to which Plaintiffs are denied the right to vote or run for office based solely upon their status as Cherokee Freedmen.

The grounds for this motion, as more fully set forth in the accompanying memorandum of points and authorities, are that in the absence of a preliminary injunction, Plaintiffs will suffer immediate and irreparable harm by being deprived of their rights as citizens of the Cherokee Nation of Oklahoma, including their right to vote and run for office in the election scheduled for June 23, 2007, as well as their right to participate in vital government-funded benefit programs. The Department of the Interior and the Cherokee Nation, by contrast, will suffer no harm if they are enjoined from funding programs that illegally discriminate against Plaintiffs or depriving Plaintiffs of their full rights as citizens of the Cherokee Nation of Oklahoma.

Plaintiffs are likely to prevail on the merits, and at a minimum, they have raised serious and substantial questions that are a fair ground for litigation regarding the Cherokee Nation's decision to deny Plaintiffs of their rights as citizens. Finally, the public interest favors entry of a preliminary injunction.

This motion is based upon the amended complaint filed in this action, the accompanying memorandum of points and authorities, the exhibits thereto, and all of the pleadings and papers on file in this case.

Pursuant to Local Civil Rule 7(m), Plaintiffs' counsel discussed the relief sought in this motion with counsel for the Federal Defendants and counsel for the Cherokee Nation Defendants in a good faith effort to determine whether either opposed the relief sought by Plaintiffs. The Cherokee Nation Defendants oppose Plaintiffs' motion, and the Federal Defendants are still in the process of developing their response to Plaintiffs' motion. Counsel were unable to narrow the areas of disagreement.

Plaintiffs ask that the Court, pursuant to Local Rule 65.1, schedule a hearing on this application for a preliminary injunction at the Court's earliest convenience.

WHEREFORE, Plaintiffs respectfully request that the Court grant this motion and enter a preliminary injunction in the form submitted herewith.

Dated: May 8, 2007

Respectfully submitted,

/s/ \_\_\_\_\_  
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