

No. SC-CV-80-14

NAVAJO NATION SUPREME COURT

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Myron McLaughlin,  
Petitioner/Appellant,

vs.

Russell Begaye,  
Respondent/Appellee.

ORDER

Before YAZZIE, H, Chief Justice, SHIRLEY, E., Associate Justice and LIVINGSTON, L.,  
Associate Justice by Designation

An appeal from a decision of the Office of Hearings and Appeals concerning Cause No. OHA-  
EC-002-15, Chief Hearing Office Richie Nez, presiding.

Brian L. Lewis, Gallup, New Mexico, for Appellant; David R. Jordan, Gallup, New Mexico, for  
Appellee; Harrison Tsosie, Navajo Nation Department of Justice, Paul Frye, Navajo Nation Oil  
and Gas Company, Richie Nez, Pro Se, Window Rock, Navajo Nation, for the Office of  
Hearings and Appeals.

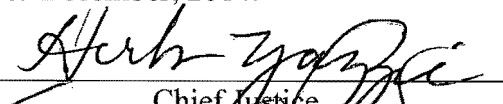
This matter comes before the Court upon a request for permission to file an amicus brief  
filed by the Navajo Nation Oil and Gas Company (“NNOGC”). While this Court has often  
considered amicus briefs in making its decision, the touchstone for this Court for deciding  
whether it will consider an amicus brief is whether the Court considers the proposed amicus brief  
useful in rendering a decision in a matter before it. The proposed amicus brief (“amicus”) is an  
attempt by NNOGC to have this Court reiterate and clarify its previous decision.

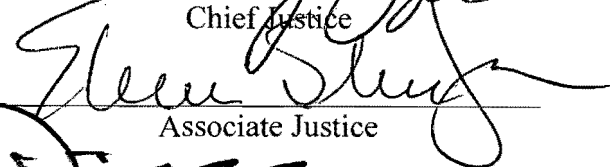
The amicus does not address issues that are presently before the Court, it raises new  
issues that are not presently before the Court. The Court needs to decide election issues in an  
expeditious manner. The consideration of peripheral issues not necessary to the rendering of a  
decision will delay the rendering of a decision. Moreover, any pronouncement of these issues

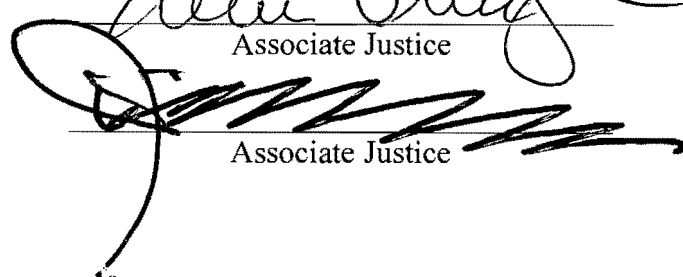
will be *dicta* since its determination will not be necessary to our decision in this matter. Since NNOGC was not a party to the OHA decision it cannot be bound by the decision. NNOGC wants the Court to address language in the OHA decision that purports to address the status of NNOGC or whether the NNOGC Directors were reinstated or never removed. The Court sees no need for this review. The Court's language was quite clear in *Navajo Nation Oil and Gas Company v. Window Rock District Court*, No. SC-CV-25-14 (Nav. Sup. Ct. June 20, 2014) that no valid removal occurred. Thus, this should preclude any future litigation based on a claim of lack of authority by the current board during the challenged time period. The right and need for a lawful election must not be unduly delayed.

For the same reasons the Court has decided to forgo oral argument in this matter. The Court has narrowed the issues in the underlying matter sufficiently that it does not require additional information from the parties. It will render a decision on the record.

Dated this 15<sup>th</sup> day of December, 2014.

  
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Chief Justice

  
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Associate Justice

  
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Associate Justice