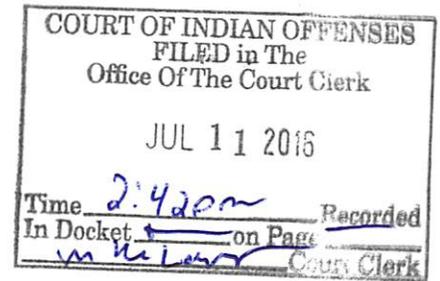


**IN THE COURT OF INDIAN OFFENSES FOR THE MIAMI AGENCY
MIAMI, OKLAHOMA**

In the Matter of the Seneca-Cayuga Nation,)
)
 William L. Fisher; Jerry Crow; Sarah S.)
 Channing; Sallie White; Lisa Spano; Calvin)
 Cassidy; and Geneva Fletcher,)
 Plaintiffs,)
)
 vs.)
)
 Paul Barton; Scott B. Goode; Hoyit Bacon;)
 Cynthia Donohue; Diana Baker; Tonya)
 Blackfox; and TeNona Kuhn,)
 Defendants,)
)
 Seneca Price; Robert Armstrong; Jason)
 Perry; and Charles Crow,)
 Intervenors.)



Case No. CIV-16-M04

NOTICE OF INTENT TO APPEAL

COMES NOW, the Plaintiffs in this consolidated matter and pursuant to Rule 6.2.4 give notice of their Intent to Appeal. For their statement of reasons for this Appeal, these Plaintiffs/Appellants state:

1. This Court lacked both subject matter and personal jurisdiction (1) to invalidate the Nation's election ordinance enacted by the Business Committee Members in their official capacities, and (2) to enter the portions of its Order addressing the upcoming election. That sua sponte portion of the Order violates due process and constitutes reversible error.

(a) No pleading in this action raised, much less joined for trial on the merits and subsequent judicial determination, the issues concerning the upcoming election determined by the Order.

- (b) By aligning the parties on its own motion to limit the action to the parties in their personal (individual) capacities, rather than their official capacities, and not including the Nation as a party, plaintiff or defendant, the Court lacked jurisdiction to enter any order concerning the conduct of the upcoming election by officers of the Nation in their official capacities.
- (c) By invalidating the election ordinance as to mail-in balloting, the Court decided an issue not before it, imposed an order on the Tribe and its officers which were not before the Court, and without notice and hearing deprived serving members of the military, infirmed Tribal members and Tribal members without the ability to vote due to work commitments, lack of financial resources to travel to a poll or for other reasons of their franchise as Tribal members, and substantially affected the rights of non-party candidates to an election designed to expand citizen participation. This invalidation violates the Nation's Constitution's Bill of Rights which provides for equal protection, expressly incorporates federal constitutional rights of due process and makes applicable the due process and equal protection provisions of the Indian Civil Rights Act.

2. This action was not the proper forum to determine the election issues decided sua sponte since a prior action is pending before another judge against the Business Committee Members and the Election Committee Members in their official capacity raising election issues and effectively staying the election pending judicial resolution of those issues.

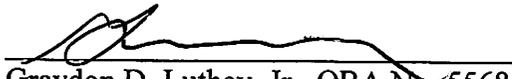
3. This Court committed reversible error by discriminating against some successful Plaintiffs/Appellants in denying them their costs. The Court gave complete relief requested by all Plaintiffs by invalidating their disenrollment, restoring them to the offices elected by the Nation's

membership, and determining that the Defendants held no office. The Court denied all relief sought by the Defendants. Accordingly, all Plaintiffs were prevailing parties and all Plaintiffs were entitled to costs, rather than only some of the Plaintiffs.

Respectfully submitted,

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-and-



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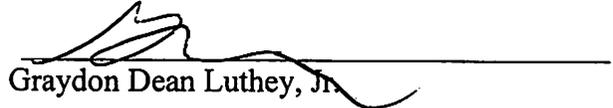
**ATTORNEY FOR SENECA-CAYUGA NATION
ELECTION COMMITTEE**

CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of July 2016, a true, correct and exact copy of the above and foregoing instrument was sent via Electronic Mail and by U.S. Mail, with postage prepaid to:

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