

**IN THE DISTRICT COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA**

Honorable Speaker Crystalyne Curley,
Petitioner,

v.

President Buu Van Nygren, Office of
Management and Budget, and Office of the
Controller,

Respondents.

Docket No. WR-CV-112 -25
Justware Case ID No. 25-15680

**ORDER DENYING TRO (RE:
ENFORCMENT/IMPLEMATION OF
SPECIAL PROSECUTOR AMENDMENT
ACT OF 2010) AND DENYING MOTION
TO STAY OR QUASH SUBPEONAS**

INTRODUCTION

This matter is before the Court for a counterclaim concerning a Temporary Restraining Order filed by the respondent Navajo Nation President Van Nygren's request to invalidate a statute, as well as moving to stay the Budget and Finance Committee's ongoing investigation. The parties involve Navajo Nation Government entities. The matter is being adjudicated under Navajo Nation laws and civil procedures. Subject matter jurisdiction is proper concerning invalidating a statute claim but improper for staying budget and finance investigations. The issues are whether the Honorable Navajo Nation President Van Nygren's counterclaim to invalidate the Special Prosecutor Amendment Act of 2010 will be granted and whether a stay will be granted on the Navajo Nation Council Budget and Finance Committee's ongoing investigation. The court declines to invalidate the statute and denies the stay.

FINDINGS OF FACTS

The petitioner initially filed for injunctive and declaratory relief asserting the respondent's line-item vetoes are unlawful, the firing of the Navajo Nation Controller Sean McCabe is unlawful, and appointing the "Interim Controller" Alva R. Tom without the Navajo Nation Council's approval is also unlawful. The petitioner requests the respondent Navajo Nation President Buu Nygren (respondent Navajo Nation President Nygren) to be prohibited from exercising line-item vetoes to eliminate or reduce the operating budgets of the petitioner, the petitioner's committees, its legislative counsel, and the Navajo Nation Youth Council. The petitioner further prays to prohibit all the respondents from taking action in reliance on the line-item vetoes, to compel the respondents Office of Management and Budget (OMB) with the Office of the Controller (OOC) from performing their duties as though the line-item vetoes never occurred; to prohibit respondent Nygren from terminating the Controller of the Navajo Nation; to

prohibit respondent Nygren from appointing an “Interim Controller,” or appointing an “Acting Controller,” unless the position becomes vacant and with the consent of the Budget and Finance Committee; and to compel the respondent OOC to rescind or reverse all actions taken with the authority of Alva Tom, except to the extent such actions are ratified by the lawfully appointed and confirmed Controller Sean McCabe. *Application for Temporary Restraining Order and Injunction*, at 18-19 (October 20, 2025).

The Ethics and Rules Committee submitted a memorandum to the petitioner/counter-respondent in 2025 requesting a Special Prosecutor be appointed to investigate possible violation(s) of the American Rescue Plan/Fiscal Recovery Funds (ARPA/FRF). One was appointed, under the Special Prosecutor Amendment Act of 2010, and the Office of Legislative Counsel oversees the contract formation, as well as the payments of the contract, after the Navajo Nation Department of Justice/Attorney General declined to provide funding for the Special Prosecutor. 2 N.N.C. § 2021(A), *as amended by CAP-17-10* (Veto Override June 9, 2010); *Combined Application for Temporary Restraining Order and Preliminary Injunction Regarding the Special Prosecutor and Motion to Stay Related Investigative Hearings Before the Budget and Finance Committee Scheduled to Begin Monday, June 8, at 10:00 a.m.*, Exhibit 1 (June 4, 2025); *Oral Arguments* (June 9, 2026). The Office of Legislative Counsel and the petitioner do not have any ongoing communication concerning the Special Prosecutor’s current investigation. *Oral Arguments* (June 9, 2026).

The respondent Navajo Nation President Van Nygren filed counterclaims to enjoin the enforcement or implementing the Special Prosecutor Amendment Act of 2010, stay the Budget and Finance Committee’s (BFC) hearings or issue an order quashing all subpoenas issued by the BFC. *Combined Application for Temporary Restraining Order and Preliminary Injunction Regarding the Special Prosecutor and Motion to Stay Related Investigative Hearings Before the Budget and Finance Committee Scheduled to Begin Monday, June 8, at 10:00 a.m.*, at 30-31. The BFC is conducting investigations for the purpose of determining compliance with Navajo Nation laws, regulations, rules, and policies concerning the Navajo Nation’s contracts for housing and related matters, pursuant to its authority to provide a written report to the Navajo Nation Council. BFJY-55-25 (July 18, 2025); BFAU-60-25 (August 29, 2025); BFAP-07-26 (April 8, 2026). Rules concerning these investigatory hearings were adopted under BFMY-14-26 (May 15, 2026). Subpoenas were issued and the hearings began on June 8, 2026.

The petitioner's legal counsel filed a motion to dismiss the motion to stay asserting this court has no subject matter jurisdiction to stay a standing committee's ongoing proceeding because courts do not possess authority to supervise, direct, or control legislative functions. *Motion to Dismiss Counter-Petitioner's Motion to Stay Investigative Hearing Before the Budget and Finance Committee Scheduled to Begin Monday June 8 at 10 a.m.* (June 9, 2026). Furthermore, the Office of Legislative Counsel and the Special Prosecutor stipulated to BFC's investigations to go forward pending his investigation. *Answer and Limited Response to Application for Temporary Restraining Order and Preliminary Injunction and Motion to Stay Related Investigative Hearings Before the Budget and Finance Committee*, Exhibit A (June 5, 2026).

The court held oral arguments on June 9, 2026, at 4:00 p.m. and the respondent asserts the investigation cannot proceed based on an invalid statute under 2 N.N.C. § 2021(A), *as amended by CAP-17-10* (Veto Override June 9, 2010). The appointment of the Special Prosecutor is void as a matter of law in violation of *Shirley v. Morgan*. The rules for the BFC's investigatory hearings were adopted last month on May 13, 2026. The TRO should be granted because the investigations are politically motivated to remove the Navajo Nation President right before the primary elections in July 2026.

The petitioner/counter-respondent presented one witness, Elaine Henderson, who testified that she retired three years ago, she has been employed with the Navajo Nation Judicial Branch in various positions, as well as the Director of Peacemaking Program. She taught Navajo Fundamental laws to the public, as well as Judicial Branch staff on *k'é* and the high expectations of Diné leadership. One concept of Diné leadership is leaders are created for the benefit of the Navajo people, who should possess high morals, and they are brought up to be a leader since birth. If there is disharmony, there are ceremonies for leaders to bless them from feet to head as well as teaching them to be transparent. These teachings are sacred to the Diné. Upon cross-examination, Ms. Henderson admitted being involved with the recall movement to remove the current Navajo Nation President and did appear in the Navajo Times. On redirect, she clarified the press release was an opportunity to address the Navajo Nation Government.

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and/or the Navajo Nation President. Conflicts exist in representing different clients, the current Acting Attorney General has campaigned for the respondent Navajo Nation President Van Nygren, he was his former Chief of Staff and now represents himself as the Acting Attorney General in Washington D.C., as well as the public. Power is not being transferred to the legislative branch because the Attorney General is still the gatekeeper. There was an emergency in 2010 that involved the protection of Navajo Nation sovereignty, restructuring of the Navajo Nation Government, and to prevent conflicts of interest with the Office of the Attorney General/Navajo Nation Department of Justice. The BFC is exercising its subpoena authority to generate its written/oral report to the Navajo Nation Council to ensure transparency in the Navajo Nation Government. This court does not have subject matter jurisdiction over legislative oversight activities, and the respondent/courter-claimant cannot meet the elements for a temporary restraining order.

The respondent rebuts that this is a counterclaim challenging the validity of a statute because there are no findings in the statute to declare it an emergency, the emergency is hypothesis, the statute gives the Navajo Nation Council the ability to issue referrals, shadow the Attorney General's duties, which is duplicative functions of the Executive Branch's functions, there are other methods available if there are conflicts of interest such as filing a Writ of Mandamus to order the Attorney General to carry out its functions, this statute gives teeth to the oversight, and Title 2 amendments are meaningless if the council can declare any "emergency" to legislate changes without voter approval. There are disruptions in the Attorney General's Office after five Attorney General candidates were fired.

Upon inquiry by the court, the petitioner/counter-respondent asserts that the termination of the Attorney Generals was because they failed to act on these reports against the Navajo Nation President.

LEGAL CONCLUSIONS OF LAW

Legislation No. CAP-17-10/Quashing Subpoenas/Staying BFC investigatory proceedings

The Special Prosecutor Act of 2010 was originally adopted in 1989 and amended in 2010 to address changed circumstances since 1989. The Navajo Nation Council found that the Chief Legislative Counsel should have the same authority as the Attorney General when appointing Special Prosecutors and the unamended provisions of the law threaten the sovereignty of the Navajo Nation. The Navajo Nation Department of Justice may have personal, financial, or

political conflicts of interest, resulting in these conflicts prohibited from being handled by the Attorney General, the Office of the Prosecutor or any other official in the Navajo Nation Department of Justice. At which time the Chief Legislative Council can apply for a Special Prosecutor to be appointed by the Special Division of Window Rock District Court. *Resolution of the Navajo Nation Council CAP-17-10*, §§ A, B, D, E, 2021 (B)(7), (D), & (E) (Veto Override June 8, 2010).

Council resolutions are invalidated as a matter of law if there is no public record showing the existence of a genuine emergency threat to our Navajo Nation sovereignty. *Shirley v. Morgan*, 9 Nav. R. 325, 347 (Nav. Sup. Ct. 2010) (enacting legislation within seven days to remove the Navajo Nation President without any public record justifying an emergency involving the sovereignty of the Navajo Nation). There should not be concentrated power in one branch, each branch keeps each other in check to balance out power, promote accountability, prevent the abuse of discretion of power, and each branch must exercise review of its functions over one another. *Id.* at 337; *Tuba City Judicial Dist. v. Sloan*, 8 Nav. R. 159, 169 (Nav. Sup. Ct. 2001).

A motion to dismiss is made on the grounds that the plaintiff has failed to state a claim upon which relief can be granted. A motion to dismiss will be granted where, even assuming that the plaintiff's allegations comprise the true and total picture of the situation, the plaintiff has failed to state a claim for which the court has power to prescribe a remedy. *Secretaro v. Nav. Bd. of Elec. Sup.*, 6 Nav. R. 385, 389 (Nav. Sup. Ct. 1991); Nav. R. Civ. P. 12(b)(6).

The Budget and Finance Committee has the responsibility to exercise oversight authority over the budget, finance, investment, contracting, accounting over the budget, finance, investment, contracting, accounting, and audit activities of the Navajo Nation. 2 N.N.C. § 30(C). Standing Committees of the Navajo Nation Council shall have the power to subpoena and acquire from any executive department information necessary for execution of the purposes and authorities of the committee. 2 N.N.C. § 185(B). At the conclusion of the investigatory hearings, the Budget and Finance Committee shall provide a written and oral report to the Navajo Nation Council for statutory/regulatory amendments, program restructuring, and referrals to proper law enforcement officials if required. *Resolution of the Budget and Finance Committee*, BFJY-55-25 (July 18, 2025).

When jurisdiction is not yet determined, a matter is not properly before a court, therefore the court lacks authority to sit in judgment over any incompletely or in portion of the matter. *Nav. Nation Oil & Gas Co. v. W.R. Dist. Ct.*, No. SC-CV-25-14, slip op. at 8, ¶ 2 (Nav. Sup. Ct. June 20, 2014); *Begay v. Nav. Eng'g and Constr. Auth.*, No. SC-CV-44-08, slip op. at 5 (Nav. Sup. Ct. July 22, 2011). Court procedural rules mandate that the complaint set forth the court's jurisdiction. The jurisdictional statement must be complete and accurate so that the court is fully informed as to its ability to act in the matter. Failure to do so results in a facially deficient and misleading complaint. *Nav. Nation Oil & Gas Co. v. W.R. Dist. Ct.*, No. SC-CV-25-14, slip op. at 10-12 (Nav. Sup. Ct. 2014).

Analysis

The respondent Navajo Nation President Van Nygren's request to invalidate the Special Prosecutor Amendment Act of 2010 is denied because, unlike the circumstance in *Shirley v. Morgan*, there is a public record to define an emergency when there is a conflict of interest with Executive Branch personnel investigating itself for possible housing contract violations or if there are allegations that the Navajo Nation President himself is violating Navajo Nation laws. In these situations, the Chief Legislative Officer is authorized to make referrals for investigations, as opposed to actually prosecuting the potential violations itself, to stabilize the Navajo Nation Government because it promotes the inherent sovereignty of the Navajo Nation to govern itself. *Shirley v. Morgan*, 9 Nav. R. at 347; *Resolution of the Navajo Nation Council CAP-17-10*, §§ A, B, D, E, 2021 (B)(7), (D), & (E) (Veto Override June 8, 2010).

The court does not infer the public record lightly, but it is required to read the statute comprehensively, as opposed to certain sections being piñon picked for this analysis. *Shirley v. Morgan*, 9 Nav. R. at 331 (It is an elementary rule of [statutory] construction that effect must be given, if possible, to every word, clause and sentence of a statute). In this matter, there are allegations of the Executive Branch failing to investigate itself and produce the results of the investigations to the Navajo People. Fundamental law does require transparency of the Navajo Nation Government to the Navajo People because leaders are created for the benefit of the Navajo people, who should possess high morals, and they are brought up to be a leader since birth. If there is disharmony, there are ceremonies for leaders to bless them from feet to head as well as teaching them to be transparent. These teachings are sacred to the Diné. *Testimony of Elaine Henderson* (June 9, 2026).

When this standard is not met, with no investigation being conducted on the Executive Branch itself, the Chief Legislative Officer does have to provide a referral for a Special Prosecutor to be appointed, given that the Attorney General declined to fund the Special Prosecutor. It is for these reasons that the court declines to invalidate Legislation No. CAP-17-10 because it protects the financial sovereignty of the Navajo Nation from possible violations of housing contract laws within the Executive Branch.

The respondent/counterclaimant further asserts there should not be concentrated power in one branch, its agencies represent all legal matters of the Navajo Nation, with investigation and prosecution of wrongdoing. The petitioner/counter-respondent's role is only to provide legal advice and legislative services to the Navajo Nation Council, furthermore, the council is conducting these investigations for political gain to remove the Navajo Nation President before election season. Title II is also being altered without the consent of the Navajo People. *Combined Application for Temporary Restraining Order and Preliminary Injunction Regarding the Special Prosecutor and Motion to Stay Related Investigative Hearings Before the Budget and Finance Committee Scheduled to Begin Monday, June 8, at 10:00 a.m.*

This court disagrees because allowing the Executive Branch unchecked authority to investigate and prosecute any wrongdoings within its own branch concentrates all power to it without any balance of power between the branches. This concentrated power is prohibited given that none of the temporarily appointed Attorney Generals (AG) or the Navajo Nation Department of Justice (NNDJO) have investigated housing contract corruption allegations in the last four years, the Attorney General declines to pay for a Special Prosecutor, and the legislative branch must now keep the Executive Branch in check to balance out the powers between the two branches. *Shirley v. Morgan*, 9 Nav. R. at 337; *Tuba City Judicial Dist. v. Sloan*, 8 Nav. R. 159, 169 (Nav. Sup. Ct. 2001). The Chief Legislative Counsel is also not prosecuting these alleged wrongdoings in the Executive Branch, rather it's the Special Prosecutor and members of the BFC, for purposes of generating a report to improve contracting practices with the Navajo Nation.

Title II is not completely barred from being amended by the Navajo Nation Council because the Navajo Nation Supreme Court found it impossible to go through all of Title II for violations of Navajo Fundamental law, but it did leave other provisions to the people, commissions, and governmental entities to address. *Shirley v. Morgan*, 9 Nav. R. 375-376.

Additionally, this practice of a Special Prosecutor being appointed to investigate the Executive Branch for any wrongdoings is consistent with the anti-corruption principles in legislation number CD-69-89. *Id.* at 375. The court further notes that this practice by the legislative branch, in appointing a Special Prosecutor, has been utilized sparingly in the last fifteen years and is not widely abused for political gains. Both parties are using press releases on this court's orders for political gains among the public. To suppress or punish one party, over the other, is restrictive on the public's right to be aware of its government and suppresses speech.

The respondent/counterclaimant further asserts the Navajo Nation Council can file a Writ of Mandamus compelling the AG/NNDOJ to command an investigation, summon the AG to legislative hearings, refer the AG to the Ethics/Rules Office, and BFC has the authority to review/command proposed budgets of the AG. *Combined Application for Temporary Restraining Order and Preliminary Injunction Regarding the Special Prosecutor and Motion to Stay Related Investigative Hearings Before the Budget and Finance Committee Scheduled to Begin Monday, June 8, at 10:00 a.m.*, at 26. Oral arguments on June 9, 2026, revealed that none of the appointed Attorney Generals agreed to investigate the Navajo Nation President, NNDOJ is currently advising Executive Branch personnel not to testify before the BFC hearings and have tied up these proceedings with multiple delays for nearly a year now. Under these circumstances, the Navajo Nation President is clearly refusing to address allegations of public funds, being converted for private parties, under current housing contracts with the Navajo Nation. The court rejects these suggestions. *Id.*

Quashing Subpoenas/Staying BFC investigatory proceedings

This court lacks authority to manage BFC proceedings or quash its warrants because those powers are vested with the BFC. 2 N.N.C. § 30(C); 2 N.N.C. § 185(B); *Resolution of the Budget and Finance Committee*, BFJY-55-25 (July 18, 2025). Without legal authority from the Navajo Nation Council, the motion to stay/quash warrants are not properly before this court and remedies cannot be provided for the Complainant. *Id.*; *Nation Oil & Gas Co. v. W.R. Dist. Ct.*, No. SC-CV-25-14, slip op. at 8, ¶ 2; *Begay v. Nav. Eng'g and Constr. Auth.*, No. SC-CV-44-08, slip op. at 5. The Complainant has failed to state a claim and the TRO request is denied for no protectable interest in concentrated power, which is less likely to succeed on the merits, and the court lacks subject matter jurisdiction over the motion.

*Nahat 'a (Planning)/Iina (Life)*ⁱ

Under the four-direction process *Nahat 'a* and *Iina* are applicable which are described as “talking things out,” looking at the problem from different sides and create options of how the person can be healed. The “talking things out” phase involves relatives and other interested people to assist in generating a well-thought-out practical solution. Medicine people sometimes refer to *Nahat 'a* as a useful tool in diagnosing and healing. Time is not a factor. The *Iina* element is to initiate life into implementing solutions after careful thoughts and planning from all possible options working toward a practical result.

In this case, the court has talked it out with the parties, the solution has been established, power is balanced out, the people now have leaders required to be transparent, and the healing can begin with inquiries on housing contract practices. The respondent/counterclaimant also has the option of attending the BFC hearings to quash its warrants. *Nahat 'a/Iina* has given life to Diné interpretations in understanding legal thought to address this dispute.

Sihasin (Outcome)

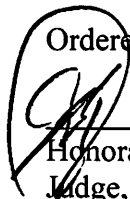
The final phase of the four-direction process is *sihasin* described as the outcome after careful review and deliberation of issues, the result may or may not be successful. Queries of whether the goal of the initial thought process was achieved are also conducted.

The Navajo People now have their inquiries to be addressed through the Special Prosecutor/BFC hearings for assurance that anti-corruption in any of its government branches are addressed.

IT IS THEREFORE ORDERED:

The counterclaim for a TRO/Motion to Stay or Quash BFC warrants are denied.

Ordered this 12th day of June 2026



Honorable Malcolm Begay
Judge, Navajo Nation District Court

ⁱ Legal writing concept from Navajo Nation Chief Justice Emeritus/Associate Justice by Designation Robert Yazzie, Associate Professor of Law Advocate, Navajo Technical University/Navajo Nation Supreme Court.

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When jurisdiction is not yet determined, a matter is not properly before a court, therefore the court lacks authority to sit in judgment over any incompletely or in portion of the matter. *Nav. Nation Oil & Gas Co. v. W.R. Dist. Ct.*, No. SC-CV-25-14, slip op. at 8, ¶ 2 (Nav. Sup. Ct. June 20, 2014); *Begay v. Nav. Eng'g and Constr. Auth.*, No. SC-CV-44-08, slip op. at 5 (Nav. Sup. Ct. July 22, 2011). Court procedural rules mandate that the complaint set forth the court's jurisdiction. The jurisdictional statement must be complete and accurate so that the court is fully informed as to its ability to act in the matter. Failure to do so results in a facially deficient and misleading complaint. *Nav. Nation Oil & Gas Co. v. W.R. Dist. Ct.*, No. SC-CV-25-14, slip op. at 10-12 (Nav. Sup. Ct. 2014).

Analysis

The respondent Navajo Nation President Van Nygren's request to invalidate the Special Prosecutor Amendment Act of 2010 is denied because, unlike the circumstance in *Shirley v. Morgan*, there is a public record to define an emergency when there is a conflict of interest with Executive Branch personnel investigating itself for possible housing contract violations or if there are allegations that the Navajo Nation President himself is violating Navajo Nation laws. In these situations, the Chief Legislative Officer is authorized to make referrals for investigations, as opposed to actually prosecuting the potential violations itself, to stabilize the Navajo Nation Government because it promotes the inherent sovereignty of the Navajo Nation to govern itself. *Shirley v. Morgan*, 9 Nav. R. at 347; *Resolution of the Navajo Nation Council CAP-17-10*, §§ A, B, D, E, 2021 (B)(7), (D), & (E) (Veto Override June 8, 2010).

The court does not infer the public record lightly, but it is required to read the statute comprehensively, as opposed to certain sections being piñon picked for this analysis. *Shirley v. Morgan*, 9 Nav. R. at 331 (It is an elementary rule of [statutory] construction that effect must be given, if possible, to every word, clause and sentence of a statute). In this matter, there are allegations of the Executive Branch failing to investigate itself and produce the results of the investigations to the Navajo People. Fundamental law does require transparency of the Navajo Nation Government to the Navajo People because leaders are created for the benefit of the Navajo people, who should possess high morals, and they are brought up to be a leader since birth. If there is disharmony, there are ceremonies for leaders to bless them from feet to head as well as teaching them to be transparent. These teachings are sacred to the Diné. *Testimony of Elaine Henderson* (June 9, 2026).

When this standard is not met, with no investigation being conducted on the Executive Branch itself, the Chief Legislative Officer does have to provide a referral for a Special Prosecutor to be appointed, given that the Attorney General declined to fund the Special Prosecutor. It is for these reasons that the court declines to invalidate Legislation No. CAP-17-10 because it protects the financial sovereignty of the Navajo Nation from possible violations of housing contract laws within the Executive Branch.

The respondent/counterclaimant further asserts there should not be concentrated power in one branch, its agencies represent all legal matters of the Navajo Nation, with investigation and prosecution of wrongdoing. The petitioner/counter-respondent's role is only to provide legal advice and legislative services to the Navajo Nation Council, furthermore, the council is conducting these investigations for political gain to remove the Navajo Nation President before election season. Title II is also being altered without the consent of the Navajo People. *Combined Application for Temporary Restraining Order and Preliminary Injunction Regarding the Special Prosecutor and Motion to Stay Related Investigative Hearings Before the Budget and Finance Committee Scheduled to Begin Monday, June 8, at 10:00 a.m.*

This court disagrees because allowing the Executive Branch unchecked authority to investigate and prosecute any wrongdoings within its own branch concentrates all power to it without any balance of power between the branches. This concentrated power is prohibited given that none of the temporarily appointed Attorney Generals (AG) or the Navajo Nation Department of Justice (NNDJO) have investigated housing contract corruption allegations in the last four years, the Attorney General declines to pay for a Special Prosecutor, and the legislative branch must now keep the Executive Branch in check to balance out the powers between the two branches. *Shirley v. Morgan*, 9 Nav. R. at 337; *Tuba City Judicial Dist. v. Sloan*, 8 Nav. R. 159, 169 (Nav. Sup. Ct. 2001). The Chief Legislative Counsel is also not prosecuting these alleged wrongdoings in the Executive Branch, rather it's the Special Prosecutor and members of the BFC, for purposes of generating a report to improve contracting practices with the Navajo Nation.

Title II is not completely barred from being amended by the Navajo Nation Council because the Navajo Nation Supreme Court found it impossible to go through all of Title II for violations of Navajo Fundamental law, but it did leave other provisions to the people, commissions, and governmental entities to address. *Shirley v. Morgan*, 9 Nav. R. 375-376.

Additionally, this practice of a Special Prosecutor being appointed to investigate the Executive Branch for any wrongdoings is consistent with the anti-corruption principles in legislation number CD-69-89. *Id.* at 375. The court further notes that this practice by the legislative branch, in appointing a Special Prosecutor, has been utilized sparingly in the last fifteen years and is not widely abused for political gains. Both parties are using press releases on this court's orders for political gains among the public. To suppress or punish one party, over the other, is restrictive on the public's right to be aware of its government and suppresses speech.

The respondent/counterclaimant further asserts the Navajo Nation Council can file a Writ of Mandamus compelling the AG/NNDOJ to command an investigation, summon the AG to legislative hearings, refer the AG to the Ethics/Rules Office, and BFC has the authority to review/command proposed budgets of the AG. *Combined Application for Temporary Restraining Order and Preliminary Injunction Regarding the Special Prosecutor and Motion to Stay Related Investigative Hearings Before the Budget and Finance Committee Scheduled to Begin Monday, June 8, at 10:00 a.m.*, at 26. Oral arguments on June 9, 2026, revealed that none of the appointed Attorney Generals agreed to investigate the Navajo Nation President, NNDOJ is currently advising Executive Branch personnel not to testify before the BFC hearings and have tied up these proceedings with multiple delays for nearly a year now. Under these circumstances, the Navajo Nation President is clearly refusing to address allegations of public funds, being converted for private parties, under current housing contracts with the Navajo Nation. The court rejects these suggestions. *Id.*

Quashing Subpoenas/Staying BFC investigatory proceedings

This court lacks authority to manage BFC proceedings or quash its warrants because those powers are vested with the BFC. 2 N.N.C. § 30(C); 2 N.N.C. § 185(B); *Resolution of the Budget and Finance Committee*, BFJY-55-25 (July 18, 2025). Without legal authority from the Navajo Nation Council, the motion to stay/quash warrants are not properly before this court and remedies cannot be provided for the Complainant. *Id.*; *Nation Oil & Gas Co. v. W.R. Dist. Ct.*, No. SC-CV-25-14, slip op. at 8, ¶ 2; *Begay v. Nav. Eng'g and Constr. Auth.*, No. SC-CV-44-08, slip op. at 5. The Complainant has failed to state a claim and the TRO request is denied for no protectable interest in concentrated power, which is less likely to succeed on the merits, and the court lacks subject matter jurisdiction over the motion.

*Nahat 'a (Planning)/Iina (Life)*ⁱ

Under the four-direction process *Nahat 'a* and *Iina* are applicable which are described as “talking things out,” looking at the problem from different sides and create options of how the person can be healed. The “talking things out” phase involves relatives and other interested people to assist in generating a well-thought-out practical solution. Medicine people sometimes refer to *Nahat 'a* as a useful tool in diagnosing and healing. Time is not a factor. The *Iina* element is to initiate life into implementing solutions after careful thoughts and planning from all possible options working toward a practical result.

In this case, the court has talked it out with the parties, the solution has been established, power is balanced out, the people now have leaders required to be transparent, and the healing can begin with inquiries on housing contract practices. The respondent/counterclaimant also has the option of attending the BFC hearings to quash its warrants. *Nahat 'a/Iina* has given life to Diné interpretations in understanding legal thought to address this dispute.

Sihasin (Outcome)

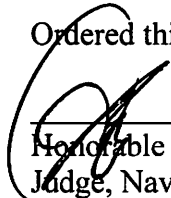
The final phase of the four-direction process is *sihasin* described as the outcome after careful review and deliberation of issues, the result may or may not be successful. Queries of whether the goal of the initial thought process was achieved are also conducted.

The Navajo People now have their inquiries to be addressed through the Special Prosecutor/BFC hearings for assurance that anti-corruption in any of its government branches are addressed.

IT IS THEREFORE ORDERED:

The counterclaim for a TRO/Motion to Stay or Quash BFC warrants are denied.

Ordered this 12th day of June 2026



Honorable Malcolm Begay
Judge, Navajo Nation District Court

ⁱ Legal writing concept from Navajo Nation Chief Justice Emeritus/Associate Justice by Designation Robert Yazzie, Associate Professor of Law Advocate, Navajo Technical University/Navajo Nation Supreme Court.

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Certificate of Service

I hereby certify that a true and accurate copy of the foregoing was served. I certify that I have on the 12th day of June, 2026, served a copy of the **Order Denying TRO (Re: Enforcement/Implementnion of Special Prosecutor Amendment Act of 2010) and Denying Motion to Stay or Quash Subpoenas** the following parties at the corresponding via Electronic Mail/U.S. Postal Service:

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Date: June 12, 2026

O. Begay
Window Rock District Court Clerk