

COURT OF APPEALS

Oneida Housing Authority,

Appellant,

Case No.: 17-AC-011

v.

August 17, 2017

John B. House,

Respondent.

ORDER OF DENIAL

Reviewing Oneida Judiciary Appellate Judge: Gerald L. Hill, Chief Judge – Court of Appeals.

BACKGROUND

On August 3, 2017, the Oneida Housing Authority (hereinafter “OHA”) filed a Notice of Appeal with this Court. At the time of filing, OHA did not provide proof of service. On August 4, 2017, the Appellate Clerk of Court issued a written Notice to Perfect Filing which informed OHA that pursuant to Rules of Appellate Procedure, §805.5-3, they had five (5) business days from receipt of the Notice to provide proof that the other party had been served. OHA, by their attorney, received the Notice via Inter-Office Certified Mail on August 8, 2017. No proof of service has been provided.

ANALYSIS

Rules of Appellate Procedure §805.8-3. Service of All Papers Required, states, “A party shall, at or before the time of filing a paper, serve a copy on all other parties to the appeal.” Section 805.8-2. Proof of Service, provides the manner in which proof shall be provided. Section 805.5-3. Perfection of Notice, states, “Failure to perfect the filing within five (5) business days may result in the non-acceptance of the appeal.”

DECISION

Due to the failure of the Oneida Housing Authority to provide proof of service to this Court pursuant to Rules of Appellate Procedure §805.8-3., this appeal is **DENIED**.

By the authority vested in the Oneida Judiciary, Court of Appeals, in Oneida General Tribal Council Resolutions 01-07-13-B and 03-19-17-A, this appeal is hereby **DENIED**, this 17th day of August, 2017, in the matter of Case No. 17-AC-011, *Oneida Housing Authority v. John B. House*.

It is so ordered.