
**ONEIDA JUDICIARY
TRIAL COURT**

**Mary C. Graves,
Petitioner,**

v.

Case No: 18-TC-014

**Oneida Comprehensive Housing Division,
Respondent,**

ORDER

Background

A complaint was filed by the Petitioner on April 27, 2018 requesting a Preliminary Injunction alleging that the Rule was not followed for the selection of an applicant for a rental unit located at 1329 La Count Road, Green Bay, 54313 with the Comprehensive Housing Division. A motion for a Preliminary Injunction can only be made in connection with a case. For this reason and because the Petitioner is a self-represented litigant the Court, on its own motion, accepted case # 18-TC-014, Mary C. Graves v. Oneida Comprehensive Housing Division, as a Temporary Restraining Order and a hearing was held on May 2, 2018 at 1:30pm.

A second replacement lottery was ordered to be conducted with the first seven applicants that were waiting before the opening of the Bay Bank on April 26, 2018 at 8:30am following the procedure in Rule # 1 – General Rental Program Eligibility, Selection and Other Requirements.

A Motion For Relief From Order was filed by the Respondent on May 29, 2018. The Respondent discovered evidence based on reasonable neglect stating that the eighth applicant in first place in the lottery positions was removed. The application was removed from the lottery not because of the time the applicant was at Bay Bank but because the application was for a residential sales program and not for the general rental program. The placement of applicants is maintained in the lottery as if the “residential sales applicant” were not included.

In light of the newly discovered information the Court finds that the Petitioner’s due process rights were not violated.

The Court grants relief from the order to conduct a second replacement lottery based on excusable neglect on behalf of Respondent in accordance with the Rules of Civil Procedure 803.33-2(a).

Order

The court enters the following order:

The Court grants relief from the order to conduct a second replacement lottery based on excusable neglect on behalf of Respondent in accordance with the Rules of Civil Procedure 803.33-2(a).

IT IS SO ORDERED.

By the authority vested in the Oneida Trial Court pursuant to Resolution 01-07-13-B of the General Tribal Council an order signed on June 4, 2018 in the matter of Mary C. Graves v. Oneida Comprehensive Housing Division. Case #18-TC-014.