

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Christina B. Sarnowski,
PETITIONER,

v.

CASE NO: 19-TC-014

Tammy M. Webster,
Cliff Webster,
Sandra E. Thomas,
Bryce Thomas,
RESPONDENTS

FINAL ORDER

This case has come before the Oneida Trial Court, Honorable Layatalati Hill presiding.

Appearing in person: Petitioner, Christina Sarnowski and Ignacio Ruiz.

Respondents, Tammy Webster, Cliff Webster, Sandra Thomas, Bryce Thomas.

STATEMENT OF THE CASE

The Petitioner is seeking the return of items taken from the home, to keep the Respondents from entering the home, from being harassed and to stop the eviction of her from the home.

ISSUES

- 1) Are the Respondents entitled to evict the Petitioner out of the residence located at 4182 Merrimac Way, Oneida, WI. 54155?
- 2) Does the Oneida Judiciary have jurisdiction on matters regarding theft, trespassing or harassment?
- 3) Does the Oneida Judiciary have jurisdiction over evictions when the Oneida Nation is not the petitioning party/owner?

FINDING OF FACTS

1. The Court has jurisdiction to hear temporary restraining orders pursuant to Chapter 803, Oneida Judiciary Rules of Civil Procedure, of the Oneida Code of Laws.
2. The Court does not have jurisdiction to hear the matters relating to theft, trespassing and harassment.
3. Notice was provided to Tammy Webster, Cliff Webster and Sandra Thomas.
4. Respondent, Bryce Thomas, appeared at the hearing and waived defective service.
5. On September 25, 2019 the Petitioner filed and the Court granted, a Temporary Restraining Order to stop the eviction.
6. A hearing was held on September 30, 2019 at 9:00 a.m.
7. The former owner of the residence located at 4182 Merrimac Way, Oneida, WI. 54155 and mother of the parties, Sharon Sarnowski (hereafter the deceased), passed away on September 11, 2019.
8. At the time of the decedent's passing, the Petitioner and her partner, Ignacio Ruiz were residing with her at the home.
9. The deceased had a designation of successor for the home which listed successors as follows in order of preference: 1) Tammy M. Sarnowski 2) Sandra E. Thomas 3) Christina Sarnowski
10. Tammy M. Webster (formerly Sarnowski) is willing and able to accept the rights and responsibilities of obtaining a lease for the home in accordance with the designation of successor.
11. On September 17, 2019, Tammy Webster entered into a residential lease with the Oneida Nation Comprehensive Housing Division for the property.
12. As of September 17, 2019, Tammy Webster is the new owner of the home and has the right to evict.

PRINCIPLES OF LAW

803.35 Injunctions and Restraining Orders

803.35-2. Temporary Restraining Order.

(a) Issuing Without Notice. The Court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney or advocate only if:

- (1) Specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and
- (2) The movant's attorney or advocate certifies in writing any efforts made to give notice and the reasons why it should not be required to give notice.

ANALYSIS

The Petitioner met the requirements for filing a temporary restraining order and a hearing was held to address the Petitioner's requests. The Court dismissed all requests to desist and refrain from anything relating theft, trespassing and harassment as the Court only has civil jurisdiction and the Oneida Nation does not have laws governing those claims.

The only remaining claim is the request for a temporary restraining order to stop the eviction and/or allow the Petitioner more time to move out. As the owner of the property, Tammy Webster has the authority to evict. Tammy Webster invoked that authority on September 20, 2019, by serving Christina Sarnowski and Ignacio Ruiz with a notice to quit/vacate the premises. The eviction is a civil matter; however, the Oneida Judiciary does not have jurisdiction to hear evictions where the Oneida Nation is not the owner. Therefore, this Court cannot make a determination on the eviction.

CONCLUSIONS OF LAW

- 1) The Respondent, Tammy Webster, is entitled to evict the Petitioner out of the residence located at 4182 Merrimac Way, Oneida, WI. 54155.
- 2) The Oneida Judiciary does not have jurisdiction on matters regarding theft, trespassing or harassment.
- 3) The Oneida Judiciary does not have jurisdiction over evictions when the Oneida Nation is not the petitioning party/owner.

ORDER

- 1) The Temporary Restraining Order is lifted effective immediately.
- 2) The claims for theft, trespassing and harassment are dismissed.
- 3) The request to stop the eviction is denied.

The parties have the right to appeal within thirty (30) calendar days after the date this order or judgment is signed.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council an Order signed on October 3, 2019.