

# ***Oneida Tribal Judicial System***

Onʌyote ʔ a:ka Tsiʔ Shakotiyaʔ Tolé hte

## **ONEIDA TRIBAL JUDICIAL SYSTEM TRIAL COURT**

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**Oneida Indian Preference,  
Petitioner**

v.

**Burkel Construction,  
Respondent**

**Docket No: 11-TC-090**

**Date: June 29, 2011**

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### **Decision on the Motion for Injunction**

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This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Jean M. Webster and Leland Wigg-Ninham, presiding.

#### **History**

This case involves a request for an Injunction requiring Respondent to adhere to Oneida Law.

On June 29, 2011 Petitioner filed a complaint against Respondent for continuously failing to comply with Oneida Law or Rider I, by not meeting with Petitioner to develop a core work crew and by failing to hire any Qualified Indian Trades Workers. Petitioner claims Respondent signed a contract that binds him to certain obligations and he has failed to adhere to that contract.

The Court grants Petitioner's motion for a temporary injunction until the Court decides otherwise. In accordance with Rules of Civil Procedure, Rule 31 (B),

A Temporary restraining order is an injunction of limited scope and duration that is generally reserved for use when imminent action, if allowed to go forward, will create irreparable harm that will seriously impair the ability of the Court to order full and fair relief.

If Petitioner's allegations are true, stopping the project at this time may insure full and fair relief. In accordance with Rule 31 (B)(3), a hearing shall be held within three (3) days to decide if a permanent Injunction is warranted.

Petitioner requests the Court to order:

1. Immediately enjoin Burkel Construction from performing any work for the Tribe in any capacity.
2. A positive injunction requiring Burkel Construction to fully comply with Oneida Law by consistently communicating with the Indian Preference Department and by hiring Qualified Indian Trades Workers.
3. A positive injunction requiring Burkel Construction to immediately hire Mr. King, and any other Qualified Indian Trades Worker that may be necessary to perform work under the Amendment.
4. Any other relief that may be just and equitable.

The Court orders a Temporary Injunction against Burkel Construction until a hearing is held to provide a hearing on the merits. An injunction hearing is scheduled for Tuesday, July 5, 2011, at 9:00 am.

#### **Decision**

The court grants Petitioner's motion for a temporary injunction.