

Oneida Tribal Judicial System

Onayote 7 a-ka Tsi7 Shakotiya7 Tolé hte

TRIAL COURT

**Oneida Tribe of WI/Accounting
Petitioner,**

Docket No: 12-TC-069

v.

Date: August 15, 2012

**Barbara Silva,
Respondent**

DECISION Motion to Dismiss

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

I Background

This case involved a tribal debt owed by the Respondent to the Petitioner, Oneida Tribe of Indians of Wisconsin/Accounting. The Petitioner received services from the Oneida Plumbing Department on July 18, 2011.

June 13, 2012 a tribal debt hearing was scheduled. Petitioner believed the services she received should be paid by the Oneida Housing Authority as the plumbing problem was a result of poor installation of the sewer laterals. Petitioner requests a hearing.

June 26, 2012 a pre-trial hearing was held. Parties agreed the issues were: 1) Is the Respondent responsible for the outstanding plumbing bill for services received on July 18, 2011 in the amount of \$210 (\$195.00 + \$15.00 collection fee) and 2) Is Respondent responsible for the repair of defective plumbing. Trial scheduled for August 28, 2012.

August 2, 2012 Respondent filed a motion to dismiss. Respondent has agreed to pay the Petitioner the balance of \$195.00 upon receiving her Per Capita payment, therefore Respondent is assuming all responsibility on the outstanding bill for the plumbing services she received on July 18, 2011. The Court grants Respondent's motion to dismiss with a correction on the amount due to Petitioner. The motion is being granted in accordance with Rule 14(A)(1), the party making the claim may file a notice of dismissal and the claim shall be deemed dismissed with or without prejudice.

II Decision

The Court grants Petitioner's motion to dismiss with prejudice.

1. Respondent shall assume all responsibility on the outstanding bill for the plumbing services received on July 18, 2011. **Amount owed: \$210.00** (\$195.00 + \$15.00 collection fee).