

# ***Oneida Tribal Judicial System***

Onayote ʔ aka Tsiʔ Shakotiyaʔ Tolé hte

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## **TRIAL COURT**

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**Anthony R. Webster–Bodway and  
Marla M. Webster–Bodway,  
Petitioners**

**v.**

**Docket No. 13-TC-025**

**Oneida Housing Authority,  
Respondent**

**Date: May 10, 2013**

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## **DECISION**

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This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers; Mary Adams, Chris Cornelius and Kathy Hughes, presiding.

### **I Background**

This case involves a request to Reopen and Motion for a Temporary Restraining Order against the Respondent, Oneida Housing Authority.

#### *Procedural background*

Petitioners currently reside at W344 Cornelius Circle, Oneida. Petitioners were issued eviction notice on February 27, 2013 to vacate the premises by March 12, 2013 at 11:00 a.m. due to failure to submit a written appeal AND appear before the OHA Interim Executive Director on February 27, 2013.

On March 1, 2013 Petitioners set up an automatic withdrawal from their savings account to satisfy the rental arrears.

On March 4, 2013 the Court deliberated and then issued a Temporary Restraining Order because Petitioners have the right to appeal the eviction to present their case in court prior to the eviction. A hearing was held on Thursday, March 7, 2013.

At the March 7<sup>th</sup> hearing, Petitioners, Anthony and Marla Webster-Bodway appeared without counsel and Respondent, Oneida Housing Authority appeared with counsel.

Petitioners claim they satisfied the rental arrears and admit they are behind on the utilities. The parties requested a joint motion to stay the eviction. The parties entered into a stipulation and based on the terms, request a two (2) week stay with a hearing date of March 28, 2013 at 9:00 a.m. The parties agreed that if Petitioners abide by the stipulation, the parties shall enter a joint motion to dismiss the eviction prior to the hearing.

At the March 28, 2013 hearing, Petitioners failed to appear. Respondent requests the Court to lift the Temporary Restraining Order and set the eviction for May 10, 2013 at 11:00 a.m.

#### *Conclusion of law*

On March 7, 2013, the parties entered into a stipulation and the Court granted Respondent motion for a stay until the final hearing. Petitioners failed to appear to argue their claim.

The Court granted Respondent motion to lift the Temporary Restraining Order and orders the eviction for May 10, 2013 at 11:00 a.m.

On May 8, 2013 Petitioners filed a Motion to Reopen and Motion for Temporary Restraining Order.

#### **Decision**

The Court denies Petitioner's Motion to Reopen and Motion for Temporary Restraining Order because the parties entered into a Stipulation.