

Oneida Tribal Judicial System

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**ONEIDA TRIBAL JUDICIAL SYSTEM
TRIAL COURT**

**Raquel S. Denn,
Petitioner**

Docket No: 14-TC-172

v.

**Scott Denny,
Oneida Housing Authority,
Respondent**

Decision

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Kathy Hughes, and Janice L. McLester, presiding.

I Background

On August 14, 2014 Petitioner, Raquel Denn, filed a request for a Temporary Restraining Order (TRO) against the Respondent, Oneida Housing Authority. Petitioner currently resides at N5802 Sandhill Court, De Pere, WI. Petitioner claims she was issued a decision to vacate the premises on July 19, 2014.

Petitioner claims she received notice to evacuate the premises and indicated she has the right to appeal the eviction at this Court.

II Analysis

Terminating a contract from housing establishes grounds for immediate or irreparable harm. Therefore, Petitioner established a right to injunctive relief to a hearing. According to Rules of

Civil Procedure, Rule 31(A)¹, it is appropriate to issue a Temporary Restraining Order as the Petitioner has the right to appeal the eviction and to present her case in court.

On August 14, 2014 the court granted Petitioner's motion for a hearing on her eviction. A hearing was scheduled to hear the merits of the case on Monday, August 18, 2014 at 2:00 p.m.

On August 15, 2014 Respondent filed a Motion of Continuance. The Court granted the Motion and rescheduled the hearing for Wednesday, September 3, 2014 at 9:00 a.m.

At the September 3rd hearing, Respondent claimed there are several reasons Petitioner is evicted. Petitioner violated Oneida Housing Authority's (OHA) One Strike, You're Out policy. On July 14, 2014 Respondent sent a memo to Petitioner, which identified several drug charges from State of Wisconsin, Fond du Lac County Court; State Statute 961.41(3g)(am), 450.11(7)(h) and 450.11(7)(a), and for non-payment of rent with arrears of \$455.00 last payment made on 06-11-2014.

Petitioner claimed the felony charge Statute 961.41(3g)(am) was dismissed and no longer held against her. Therefore, the eviction should be dismissed.

Respondent argued they are no longer holding the felony charge against her. Respondent provided evidence that showed Petitioner plead Guilty Due to No Contest for the other two charges. Respondent asserts their decision to evict Petitioner is justified due to the guilty pleas. However, Respondent agreed to allow Petitioner to remain in the rental unit until September 26, 2014. Respondent concludes if Petitioner's two other charges are dismissed and her rent is current by September 26, 2014 the eviction will be dismissed. If Petitioner's charges are dismissed after September 26, 2014 then she will need to reapply for housing assistance.

¹ Injunctions and Temporary Restraining Orders Generally: All request for a preliminary injunction or temporary restraining order, which is not associated with a pending action (trial or appellate), shall be treated like an initial pleading pursuant to Rule 2 for purposes of service of process. All such requests shall be reviewed by the trial court pursuant to this Rule. No preliminary injunction should be issued without notice to the adverse party. Orders and injunctions under this rule shall be timely issued and within such time so that their effectiveness will not be limited.

The Court's findings

Petitioner signed the One Strike, You're Out policy at least twice since her original lease of March 29, 2012. The terms of the policy and its responsibilities, provisions, rules and regulations of the agreement are clearly stated within the policy. Based on the policy bearing Petitioner's signature to abide by its terms, the Court has no other alternative but to uphold Respondent's decision to evict Petitioner on September 26, 2014.

III Decision

The Court lifts the temporary restraining order and denies Petitioner's request to stop the eviction. Petitioner shall vacate the premises by September 26, 2014.

Either party has the right to appeal our decision in accordance to Rules of Civil Procedure, Rule 36.