

# ***Oneida Tribal Judicial System***

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## **Trial Court**

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Oneida Indian Preference Department,  
Petitioner

v.

Docket No. 07-TC-043

Date: August 6, 2007

Oneida Housing Authority,  
Respondent

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## **Case Settlement**

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This case has come before the Oneida Appeals Commission Trial Court, Leland Wigg-Ninham, Gerald Cornelius and Robert Christjohn presiding.

### **I Background**

On April 12, 2007, the Petitioner, Oneida Indian Preference Department, filed a Motion and Notice for Injunction against the Respondent, Oneida Housing Authority. The Petitioner claims that the Respondent is in breach of the Oneida Indian Preference Law and Rider. The Petitioner further claims that the Respondent has breached the Memorandum of Agreement entered into by the Oneida Housing Authority and the Oneida Indian Preference Department on July 31, 2006. On April 17, 2007, an Injunction Hearing was conducted before the Honorable Leland Wigg-Ninham, the Honorable Gerald Cornelius and the Honorable Robert Christjohn. As a result of the hearing, the Injunction in the form of a ten (10) day Temporary Restraining Order was granted. On April 24, 2007, a Pre-Trial hearing was conducted. During that Pre-Trial Hearing, the option of Peacemaking/Settlement was presented to the parties by the court. After recessing so the parties could discuss the offer, the hearing body reconvened and learned that the Petitioner and the Respondent agreed to enter into Peacemaking/Settlement to see if they could resolve this matter. The hearing body put the matter on hold for sixty (60) days pending the outcome of the Peacemaking Process. As a result of that process, a settlement was reached by the parties and a signed stipulation and request for dismissal was delivered to the Trial Court on July 12, 2007.

## **II Issue**

Should this case be dismissed?

## **III Analysis**

Yes, this case shall be dismissed.

In the order dated July 2, 2007, the Trial Court ruled: *“The parties shall appear for a hearing in front of the Oneida Tribal Judicial System on July 13, 2007. The hearing shall take place at 3:00 p.m. If the parties provide a signed copy of their settlement prior to July 13, 2007, the case shall be dismissed without prejudice.”*

On July 12, 2007, the parties provided a signed stipulation and request for dismissal to the Trial Court. Because both parties have come to an agreement, this case is hereby dismissed. If either party breaks the agreement, either party may bring this case back to the Oneida Appeals Commission for resolution.

## **IV Decision**

It is the decision of this Trial Court to dismiss this case without prejudice.