

Oneida Tribal Judicial System

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Trial Court

Gary G. Metoxen,
Petitioner

Docket No. 07-TC-106

v.

Date: July 10, 2007

Oneida Business Committee, et al,
William Gollnick, Chief of Staff and,
Rick Cornelius, ex-Chief of Police and Tribal Member,
Respondents

Decision

This case is now before the Oneida Appeals Commission, Trial Court. Judicial Officers: Mary Adams, James Van Stippen, and Leland Wigg-Ninham, presiding.

I History

On June 19, 2007, Petitioner, Gary G. Metoxen, filed a petition against Respondents, Oneida Business Committee, et al, William Gollnick, Chief of Staff, and Rick Cornelius, ex-Chief of Police, alleging Respondents terminated his appointment as a member of the Police Commission based on false and misleading information. Furthermore, Petitioner asserts Respondents violated his due process right to petition the court to review his case.

On July 5, 2007, counsel for the Respondents submitted several motions: 1. Motions to Dismiss for Failure to State a Claim as to Respondents Gollnick and Cornelius; 2. Motion for Clarification; and 3. Motion for an Extension of Time.

Respondents' motion for an Extension of Time seeks additional time for "filing of briefs" and

responding to Petitioner's complaint. No briefs are due at this time. The Court interprets Respondents' motion as a request to extend the time for filing an Answer to the Petition. Respondents ask to extend the time for filing an Answer until after the Respondents' substantive motions have been decided.

II Decision

The motion for an extension of time is granted. Under Rule 6 Respondents' Answer would have been due 20 days after receipt of the summons and complaint. Pursuant to Rule 4 the Court is expanding Respondents' time for filing an Answer. Respondents' Answer shall be due (15) days after the motions are decided.

With respect to Respondents other pending motions, under Rule 5(C), Petitioner has fifteen (15) days to respond to Respondents' Motions, which were filed July 5, 2007.

Therefore, Petitioner's response is due by July 20, 2007.

The Court will address Respondents' other motions as promptly as possible.

It is so ordered.