

# **Oneida Tribal Judicial System**

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## **ONEIDA TRIBAL JUDICIAL SYSTEM TRIAL COURT**

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**Michael A. Ninham and,  
Marcia A. Sanapaw,  
Petitioners**

**v.**

**Oneida Enrollments Dept.,  
Respondent**

**Docket No: 08-TC-022**

**Date: April 7, 2008**

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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, Cristina Danforth, and Leland Wigg-Ninham, presiding.

### **I Background**

This case involves an alleged denial of the \$100.00 stipend payment for attending a General Tribal Council meeting.

On March 3, 2008 Petitioners, Michael A. Ninham and Marcia A. Sanapaw, filed a petition against Respondent, Oneida Enrollment Department, for allegedly denying their stipend payment for attending a General Tribal Council (GTC) meeting on January 26, 2008. Petitioners claim they were late for the meeting due to extenuating circumstances.

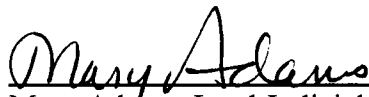
On March 5, 2008 the parties were mailed a summons that noticed the Pre-trial hearing date for Thursday, April 3, 2008 at 2:00 pm. On April 3, 2008 Petitioners failed to appear for the scheduled hearing. Respondent requested a Motion to Dismiss based on two grounds: Rules of

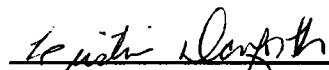
Civil Procedure, Rule 16(A) appearance required and; the General Tribal Council Meeting Stipend Payment Policy does not provide exceptions for late attendance or for extenuating circumstances.

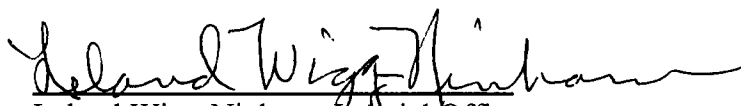
## II Decision

The Court grants Respondent's Motion to Dismiss based on Rule 16(A), which causes the other issues moot and therefore, this court will not address them.

By the authority vested in the Oneida Tribal Judicial System pursuant to Resolution 8-19-91A of the General Tribal Council it is so held on this 7<sup>th</sup> day of April 2008, in the matter of Michael A. Ninham and Marcia A. Sanapaw v. Oneida Enrollments Department, Docket Number 08-TC-022.

  
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Mary Adams, Lead Judicial Officer

  
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Cristina Danforth, Judicial Officer

  
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Leland Wigg-Ninham, Judicial Officer