

# **Oneida Tribal Judicial System**

Onayote ʔ a-ka Tsiʔ Shakotiyaʔ Tolé hte

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

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**Scott Hill,  
Petitioner**

**Docket No: 08-TC-118**

**v.**

**Date: September 26, 2008**

**Division of Land Management,  
Respondent**

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### **Dismissal**

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This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Jean M. Webster, and Stanley R. Webster, presiding.

### **I Background**

This case involves a notice of eviction of a commercial property located at 5310 County Road "U", Oneida, WI.

On August 26, 2008 Petitioner filed a Notice of Appeal requesting a Stay of Respondent's decision and provides a number of reasons he is appealing that decision:

1. Respondent suggested he appeal it.
2. Petitioner believed the Commercial Lease Specialist acted hastily in recommending the termination of his lease. He was eleven days late with his rent. He is current on his lease payments. He was notified by the DOLM that they were considering terminating his lease, or that the recommendation was made to the Land Commission. He believes the decision of the Land Commission is arbitrary and or capricious, Rule 9(D)(4), as he should have had a chance to appear before them to defend himself, Rule 9 (D) (1-5).

3. He had settled the initial delinquency in March 2008. See attached Lease Agreement to Cure Default.
4. He received a letter from the Commercial Leasing Specialist informing him that a decision was made. Please see attached. He was not provided anything from the Land Commission itself stating this was their decision, or the reason for it. The only harm done so far is the fear of losing my studio, where I teach and create.
5. He was not notified that the Land Commission was considering a recommendation terminating his lease on August 11, 2008. If he received notification, he would have appeared before them. His studio/business (which every artist dreams of owning one) has been put in jeopardy. He has young students who come there to learn art and are inspired. He has been a mentor for the YES Program for the last three years. Other artists, musicians, and writers from other nearby reservations come there to teach or learn, all volunteers.

A pre-trial hearing was scheduled for September 25, 2008.

On September 23, 2008 Petitioner filed a motion to dismiss his claim in accordance with Rule 14(a). Petitioner and Respondent have reached an amicable agreement in this matter.

Petitioner's motion to dismiss was filed 2 days prior to a scheduled hearing. According to Rules of Civil Procedure, Rule 22(A), documents should be filed five (5) days prior to a scheduled hearing. This Rule provides the court time to review and possibly render its decision prior to the hearing. In the future, when a motion is filed less than five (5) days of the hearing and if the court has not rendered its decision the court will address the motion at the pre-trial hearing on record and shall follow Rules of Civil Procedure, Rule 22(A) and Rule 24(B&C).

## **II Decision**

The Court grants Petitioner's Motion to Dismiss with prejudice.