

Oneida Tribal Judicial System

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**ONEIDA TRIBAL JUDICIAL SYSTEM
TRIAL COURT**

**Scharlene Kasee,
Petitioner**

v.

**Lieutenant, Lisa Drew-Skenandore,
Respondent**

Docket No: 10-TC-024

Date: February 25, 2010

Decision on Motion for Order of Protection

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Stanley R. Webster, and Leland Wigg-Ninham, presiding.

I Background

On February 24, 2010, Petitioner, Scharlene Kasee, filed this complaint to stop the February 28, 2010, End of Employment decision. Petitioner also requests a temporary restraining order to prevent Respondent, Lieutenant – Lisa Drew-Skenadore, to stay no less than 500 feet away from Petitioner. We deny Petitioner's Motion.

II Analysis

Petitioner's Motion contains many problems and deficiencies and cannot be granted in its current form by this Court. Petitioner's Motion to stop the February 28, 2010, End of Employment decision alleging a breach of agreement fails because the proper venue to hear employment matters would appear to be somewhere else, perhaps the Oneida Personnel Commission. The Oneida Personnel Commission is the appropriate body to appeal to if a non-sworn employee of the Oneida Police Department is disciplined or terminated.

Petitioner's motion for a temporary restraining order fails because it does not meet the threshold of Rule 31, Rules of Civil Procedure. In order for the Court to issue a preliminary injunction or restraining order the party seeking the request must show the action, if allowed to go forward, will create irreparable harm. The irreparable harm is generally an action that cannot be undone or remedied with money. Employment terminations do not fall under irreparable harm.

There has been no allegation or showing of what irreparable harm will arise. Furthermore, there are no details or specific allegations in the complaint stating what action Respondent did that is a violation of the alleged agreement between Petitioner and Respondent. Furthermore, we are not clear whether we, the Trial Division of the OTJS, have jurisdiction over enforcement of this agreement.

Petitioner claims Respondent acted in a retaliatory manner, however here again there is no specific allegation of what Respondent did that was retaliatory or what it was in retaliation of. The lack of information and explanation prevents this Court from addressing the merits of the claim, assuming we are even the appropriate body.

This Court has no other alternative but to deny the Motion based upon the allegations and lack of specifics presented.

III Decision

Petitioner's Motion for an Injunction and Temporary Restraining Order are denied.

It is so ordered.