

Oneida Tribal Judicial System

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**ONEIDA TRIBAL JUDICIAL SYSTEM
TRIAL COURT**

**Misty House,
Petitioner**

v.

**Dale Wheelock,
Oneida Housing Authority,
Respondent**

Docket No: 10-TC-025

Date: August 31, 2010

Decision on the Joint Motion to Dismiss

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Sandra L. Skenadore, Jean M. Webster, presiding.

I Background

This case involves a request for a Temporary Restraining Order against an eviction notice from Respondent, Oneida Housing Authority.

Petitioner currently resides at N6435 Deerpath Drive, Oneida, WI. On February 16, 2010, Petitioner was issued a notice she had to Vacate the Premises. On February 24, 2010, the Executive Director of Oneida Housing Authority denied Petitioner's appeal. On February 26, 2010, Petitioner filed a Motion to Stay the 5-day Notice to Vacate received from Respondent.

The Court scheduled a hearing for March 5, 2010, to consider the merits of the eviction.

At the March 5, 2010 hearing, Petitioner requested a Motion to Stay the eviction until May 4,

2010, to which the Respondent offered no objection. Therefore, the Court granted the Motion to Stay the eviction.

On April 28, 2010 the parties filed a Joint Motion for Continuance because Petitioner entered a not guilty plea at the state level. The matter was set over for a jury trial. Therefore, the parties jointly agreed to a continuance pending the outcome of the jury trial.

The Court granted parties' Joint Motion for Continuance. The hearing is rescheduled for July 20, 2010 at 9:00 am. On July 13, 2010 the parties requested another Joint Motion for Continuance, the Court granted that motion and rescheduled the hearing for August 31, 2010.

On August 26, 2010 the parties submitted a Joint Motion to Dismiss because a settlement was reached, however, the settlement contained only one of the party's signatures. The hearing was held as scheduled and the settlement was resubmitted at trial containing both signatures.

II Decision

The Court grants the Joint Motion to Dismiss without prejudice.

It is so ordered.