

Oneida Tribal Judicial System

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**ONEIDA TRIBAL JUDICIAL SYSTEM
TRIAL COURT**

**Paul Spaulding,
Petitioner**

v.

**Margaret Schroeder,
Respondent**

Docket No: 10-TC-030

Date: March 16, 2010

Decision on the Motion for Restraining Order

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

I Background

This case involves a request for a Temporary Restraining Order against showing of the movie, "The Secret" or any discussion until the appeal process is completed.

Petitioner, Paul Spaulding, supervisor for the Oneida Bingo and Casino in the Cage/Vault department, claims the following violations:

1. Respondent's showing of the movie "The Secret" violates federal equal employment laws, specifically the prohibition against religious discrimination.
2. Respondent's showing the movie "The Secret" violates the Oneida Constitution and By-Law, Article VI – Bill of Rights, Amendment VIII 6/14/69.
3. Making Petitioner choose between attending the meeting and being paid or not attending and not being paid infringes on his right to receive wages or potential overtime.
4. Petitioner requests that his department be restrained from further showing the film and or

any further discussions or presentation on the “law of attraction” at any mandatory meetings until this case finishes the appeals process.

II Analysis

Petitioner’s Motion (request) contains many problems and deficiencies and cannot be granted in its current form by this Court. Petitioner’s Motion to restrain his department from showing a film because it violates his right to religious belief is unsupported. As contained in his brief, Petitioner is not forced to attend a meeting that may or may not infringe upon his religious belief. See email message dated 2-22-2010 from Susan Danforth, Manager, Cage/Vault-Mason and Outlets. The Court views this message as a choice to attend.

Petitioner is requesting a restraining order to stop his department from showing a movie. Petitioner cites the U.S. Equal Employment Opportunity, under Religious Discrimination and Employment Policies and Practices, and states, “an employee cannot be forced to participate (or not participate) in a religious activity as a condition of employment.” Petitioner failed to provide evidence that this movie is in fact of a religious nature. Furthermore, Petitioner failed to provide evidence that he is forced to participate as a condition of his employment. Viewing of the movie is optional. Petitioner has not presented any evidence he is being treated differently for having not attended the movie.

Petitioner is requesting a restraining order to stop his department from showing a movie. Petitioner cites the Oneida Constitution, Article VI, All members of the tribe may enjoy, without hindrance, “freedom of worship, conscience.” Petitioner failed to provide evidence to show Respondent is taking away or infringing on his right of freedom of worship or conscience. If Petitioner participates and watches the movie he gets paid, if Petitioner chooses not to participate and not watch the movie he does not get paid. Petitioner clearly has a choice.

The Court dismisses Petitioner’s Motion for a Temporary Restraining Order. Under the Rules of Civil Procedure, Rule 31(B)1(a), Petitioner must show immediate and irreparable injury, loss or damage will result if not stopped prior to a hearing. Petitioner failed to show immediate or

irreparable harm, loss or damage will result from viewing this movie.

III Decision

Petitioner's Motion for a Temporary Restraining Order is denied. Petitioner has the right to appeal this Court's decision.

It is so ordered.