

Oneida Appeals Commission

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Trial Court

Citifinancial, Inc.,
Petitioner

v.

Docket No. 03-TC-220

Date: June 5, 2003

Julie King
Respondent

Final Decision

This case has come before the Oneida Appeals Commission. Lead Judicial Officer, Leland Wigg-Ninham presiding.

I Background

The Petitioner, CitiFinancial Inc., filed an original complaint with the Oneida Appeals Commission on May 5, 2003 against the Respondent, Julie King for a money judgement for the arrearage of \$1,195.44 plus costs and fees. The Petitioner filed for a money judgement against the Respondent in Brown County Circuit Court on February 12, 2003 for the amount of \$1,195.44. On April 28, 2003, the Respondent filed Chapter 7 Bankruptcy with the United States Bankruptcy Court, Eastern District of Wisconsin.

II Issues

Is the Oneida Appeals Commission the proper forum to adjudicate this claim?

III Analysis

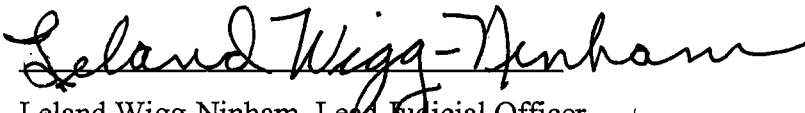
The Petitioner originally filed a claim against the Respondent in Brown County Circuit Court on February 12, 2003. Since the Petitioner filed originally with the Circuit Court of Brown County

the Petitioner cannot file with the Oneida Appeals Commission. Furthermore, the Petitioner filed Chapter 7 Bankruptcy on April 28, 2003. Under 11 U.S.C. Section 362(a) (1)&(6), the filing of the petition operates as a stay, applicable to all, of (1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title;(6) any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the case under this title.

IV Decision

It is the decision of this court to dismiss the claim of the Petitioner because the case has already been initiated before another court and furthermore, the Respondent filed Chapter 7 Bankruptcy in Federal Court which stays any continuation or proceeding with this claim.

By the authority vested in the Oneida Appeals Commission pursuant to Resolution 8-19-91-A of the General Tribal Council it is so held on this 5th day of June, 2003, in the matter of Citifinancial Inc., vs. Julie King Docket No. 03-TC-220.


Leland Wigg-Ninham, Lead Judicial Officer