

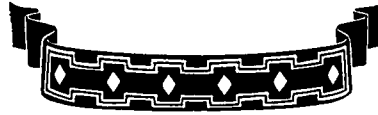
Oneida Appeals Commission

Onayote 7 a-ka Tsi7 Shakotiya7 Tolé hte

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Post Office Box 19
Oneida, WI 54155



Trial Court

Linda Dallas,
Petitioner

Docket No. 03-TC-325

v.

Date: July 31, 2003

Kirby Metoxen, Winnifred L. Thomas,
Janice McLester, and Oneida Election Board,
Respondents

Motion for Injunctive Relief

This case has come before the Oneida Appeals Commission Trial Court. Judicial Officers Leland Wigg-Ninham, Stanley R. Webster, Pearl E. House, presiding.

I Background

On July 25, 2003, the Petitioner filed a motion for injunctive relief, seeking to halt the elections held by the Oneida Tribe on July 26, 2003. In the morning of July 25, 2003, the Petitioner had participated in an injunction hearing wherein she sought an order that her name appear alphabetically in the official ballot. This was done by the Election Board and the case was dismissed.

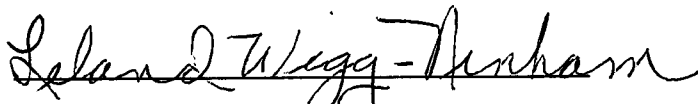
The Petitioner then named the assigned Judicial Officers and the Election Board to this current action, but no action was taken. The Petitioner seeks recusal of all Appeals Commissioners, citing a conflict of interest due to their candidacy in the election.


II Decision

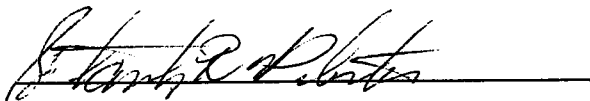
As a matter of policy, the Appeals Commission assigns cases to judges from other Tribal court

systems when a current judicial officer is named as a party or is directly involved as a litigant. While there is no clear basis for naming judicial officers in this case or how their judicial immunity might be overcome, they have been so named and the Appeals Commission will assign three judicial officers from outside the Tribe to adjudicate this request. The Clerk of Courts will designate appropriate judicial officers and the parties will be informed of the assignment and schedule as it becomes available.

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 31st day of July 2003, in the matter of Linda Dallas vs. Election Board et al. Docket No. 03-TC-325.


Leland Wigg-Ninham, Lead Judicial Officer


Pearl E. House, Judicial Officer


Stanley R. Webster, Judicial Officer