

# Oneida Appeals Commission

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## Trial Court

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Ronald Hill,

Petitioner

Docket No. 05-TC-023

vs.

Oneida Business Committee,

Respondent

Date: March 11, 2005

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### Injunction

This case has come before the Oneida Appeals Commission Trial Court. Judicial Officers Mary Adams, Marjorie Stevens and Jennifer Webster, presiding.

### I Background

On March 11, 2005, Petitioner, Ronald Hill, filed for a Temporary Restraining Order against the Respondent, Oneida Business Committee for calling a General Tribal Council meeting scheduled for Saturday, March 12, 2005. Petitioner alleges that Respondent violated several General Tribal Council (GTC) rights contained in the following:

1. Ten Day Notice Policy.
2. Article VI, Oneida Constitution and By-Laws.
3. Business Committee acted outside their scope and authority regarding GTC Resolution 12-13-04-A.

Petitioner requests a Temporary Restraining Order be place on the General Tribal Council meeting scheduled for Saturday, March 12, 2005 regarding the terms for the New York Land Claims Settlement Agreement.

### II Issue

Has Petitioner provided sufficient evidence to grant an Injunction against Respondent?

### III Analysis

Petitioner has not provided sufficient evidence to grant an injunction against Respondent. Petitioner claims Respondent violated the Ten Day Notice Policy, but fails to provide evidence to support his claim. Petitioner did not include any documentation that supports when Respondent mailed out the notice, or how Respondent violated the notice policy. If the notice policy was not violated then granting an Injunction Hearing impedes on the rights of the Oneida members that were notified. According to Rule 31 of the Rules of Civil Procedure<sup>1</sup>, Petitioner must be specific, must show immediate and irreparable injury.

Petitioner alleges that Respondent violated the Oneida Constitution and By-Laws, Article VI,

*“All members of the tribe shall be accorded equal opportunities to participate in the economic resources and activities of the tribe. All members of the tribe may enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, association and due process of law, as guaranteed by the Constitution of the United States.”*

Petitioner failed to provide evidence that supports his conclusion that Respondent in fact violated the Oneida Constitution. Furthermore, Petitioner does not specifically state or provide proof of how he has been excluded from participating in the actions described in Article VI. This court must point out that Petitioner has the authority only to speak for himself, he has no standing to make statements on behalf of *all members of the tribe*.

Petitioner asserts Respondent acted outside of their scope with a GTC Resolution 12-13-04-A, that may have been a result of the December 13, 2004 meeting. Petitioner failed to include documentation to support this assertion, not included is whether the GTC meeting did not contain a quorum, or if the GTC did not have the opportunity to vote. According to Arnold vs. OBC, 04-TC-098, the motion for an injunction was denied because OBC was found to not violate the Ten

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<sup>1</sup> Temporary Restraining Order (B): A temporary restraining order is an injunction of limited scope and time frames issued without notice to the adverse party and shall only be issued under the following circumstances.

Day Notice Policy, therefore, the December 13, 2004 GTC meeting was valid. It is unclear how Respondent acted outside of their scope. A standard of review is required by the trial court to make its conclusion of law, that includes the facts that are material to the decision and necessary to understand the case. Petitioner failed to include documentation and evidence to support his claim.

#### IV Decision

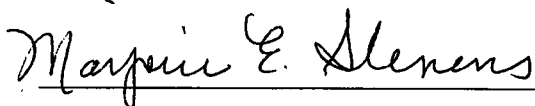
Petitioner's Motion for a Temporary Restraining Order is denied.

It is so ordered.

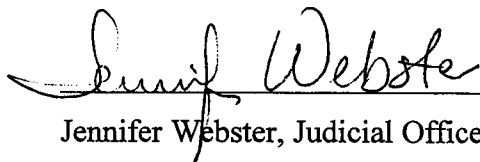
By the authority vested in the Oneida Appeals Commission pursuant to Resolution 8-19-91-A, by the Oneida General Tribal Council, it is so held on this 11<sup>th</sup> day of March, 2005, in the matter of Ronald Hill vs. Oneida Business Committee, Docket No. 05-TC-023.



Mary Adams, Lead Judicial Officer



Marjorie Stevens, Judicial Officer



Jennifer Webster, Judicial Officer