

# Oneida Appeals Commission

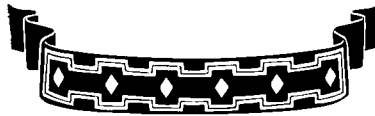
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## Trial Court

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Oneida Indian Preference Department,  
Petitioner

Docket No. 05-TC-137

vs.

Oneida Housing Authority,  
Oneida Housing Board,  
Respondents

Date: March 24, 2006

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## Motion to Dismiss

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This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Robert Christjohn, and Dorothy Ninham, presiding.

### I Background

On October 13, 2005, Petitioner, Oneida Indian Preference Department, filed a complaint against Respondents, Oneida Housing Authority and Oneida Housing Board, for non-compliance with the Oneida Indian Preference Law. A hearing was scheduled for December 6, 2005. On October 27, 2005, Respondent filed a Motion for Continuance because Attorney Robert D. Sweeney was unavailable for December 6, 2005. The hearing was rescheduled for January 17, 2006. On January 9, 2006, Attorney Sweeney filed another Motion for Continuance for several reasons, due to his unavailability on January 17, 2006 and to afford an opportunity to resolve this matter. The Court encourages settlement.

On February 9, 2006, a pre-trial was held. A motions hearing and trial was scheduled for April 4,

2006. On March 21, 2006, Attorney Smith filed a Motion to Dismiss and Rebuttal to Respondent's Response. Attorney Smith claims that the parties will reach an agreement to settle the dispute with a Memorandum of Agreement that is satisfactory to all parties involved. The Court grants the Motion to Dismiss in accordance with Rules of Civil Procedure, Rule 5(C)1<sup>1</sup>. Therefore, since the Motion to Dismiss has been granted all other issues are moot.

## II Decision

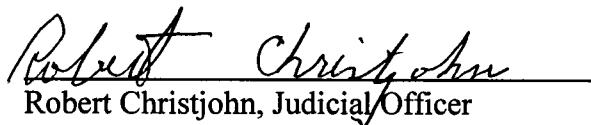
The Court grants the Motion to Dismiss.

It is so ordered.

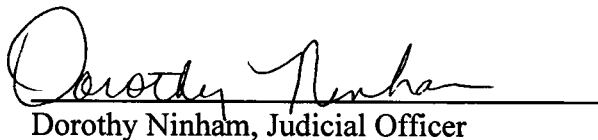
By the authority vested in the Oneida Tribal Judicial System pursuant to Resolution 8-19-91A of the General Tribal Council it is so held on this 24<sup>th</sup> day of March 2006, in the matter of Oneida Indian Preference Department vs. Oneida Housing Authority and Oneida Housing Board.  
Docket No. 05-TC-137.



Mary Adams, Lead Judicial Officer



Robert Christjohn, Judicial Officer



Dorothy Ninham, Judicial Officer

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<sup>1</sup> The moving party shall submit the motion to the trial court, with certified notice that the opposing party has been served on the same day or prior to the motion being filed with the trial court.