

Oneida Appeals Commission

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Trial Court

Maurisa Coran,
Petitioner

v.

Docket No. 06-TC-031

Date: May 17, 2006

Bill Wild, Dr. William Stempki
Oneida Community Health Center,
Respondents

Injunction Hearing

This case has come before the Oneida Appeals Commission. Judicial Officers Leland Wigg-Ninham, Anita Barber, and Gerald Cornelius presiding.

I Background

On April 21, 2006, the Petitioner, Maurisa Coran requested the Oneida Appeals Commission to issue a Temporary Restraining Order and an Injunction against the actions of Respondents, Bill Wilder and Dr. William Stempki. Petitioner's allegations arise out of disputes between her and her employer, the Oneida Community Health Center, over various issues. Although the Petitioner does not specifically state what actions of Respondents she wished to restrain, she appears to be seeking to prevent Respondents from taking adverse employment action against her. On April 24, 2006, the Oneida Appeals Commission denied the request for a temporary restraining order against the Respondent's, but scheduled an Injunction Hearing to determine if there were sufficient facts to warrant an Injunction against the Respondents.

On May 1, 2006, the Respondent's filed a Motion To Stay the Injunction Hearing due to the unavailability of one of the Respondents. That motion was denied on May 9, 2006. On May 11, 2006, the Respondent's filed another Motion To Stay due to an Interlocutory Appeal the

Respondent's filed in regard to the Trial Court's denial of their first motion to stay. Due to the late filing of the Respondent's motion to stay, the court decided to address the motion at the hearing. The hearing went on as scheduled and the Respondent's second motion to stay was held in abeyance until the Trial Court could determine if the Petitioner's claims were being adjudicated in another hearing proceeding before the Oneida Personnel Commission. After questioning of the Petitioner by the Hearing Panel, it was determined that the Petitioner's claims were in the process of being adjudicated.

II Issues

Where the Petitioner's claims being adjudicated at the Oneida Personnel Commission?

III Analysis

On May 1, 2006, the Respondents filed a Motion To Stay Injunction Hearing due to the unavailability of one of the Respondents. That motion was denied on May 9, 2006. On May 11, 2006, the Respondents filed another Motion To Stay due to an Interlocutory Appeal they filed in regard to the Trial Court's denial of their first motion to stay. Due to the late filing of the Respondent's motion to stay, the court decided to address the motion at the hearing. The hearing went on as scheduled and the Respondent's second motion to stay was held in abeyance until the Trial Court could determine if the Petitioner's claims were being adjudicated in another hearing before the Oneida Personnel Commission. After questioning of the Petitioner by the Hearing Panel it was determined that the Petitioner's claims were in the process of being adjudicated.

IV Decision

It is the decision of this court to dismiss this case without prejudice because the Petitioner's claims were being adjudicated at the Oneida Personnel Commission. The Respondent's motion to stay is moot.