

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Rae Minoka Skenandore,
PETITIONER,

v.

CASE NO: 19-TC-015

Oneida Business Committee,
RESPONDENTS

ORDER

This case has come before the Oneida Trial Court, Honorable Denice Beans presiding.

BACKGROUND

The Petitioner requested a temporary restraining order (TRO) enjoining the Respondent to cease from approving and/or implementing the by-laws of the Oneida Land Commission until the Court issues a declaratory judgement. The TRO was denied, and a hearing was scheduled for October 30, 2019 to clarify which adopted Tribal code, act, statute, rule, regulation, policy or ordinance the Court would focus on and apply to issue a declaratory judgement. At the hearing the Petitioner motioned to withdraw the request for a declaratory judgement and instead go to trial on the merits of the petition. The Petitioner claims the OBC does not have the authority to amend the by-laws of an entity created by the General Tribal Council.

FINDINGS OF FACT

The court finds as follows:

1. The court has subject matter, personal and territorial jurisdiction over this matter.
2. Notice was given to all those entitled to notice.
3. Respondents filed a Motion to Dismiss Petitioners' Action on December 20, 2019.
4. Respondents filed a Brief in Support of Respondent's Motion to Dismiss Petitioners' Action on December 23, 2019.
5. Petitioner did not file documents, witness lists, exhibit lists, motions, or any evidence by the close of Discovery on December 23, 2019 at 4:30 pm.
6. Petitioner did not file response to Respondent's Motion to Dismiss Petitioners' Action by the fourteenth day of January 6, 2020 at 4:30 pm in accordance with 803.7-5(b) of the Oneida Judiciary Rules of Civil Procedure.

ORDER

The court enters the following order:

1. Pursuant to 8 O.C. 803.29-3, Respondent's Motion to Dismiss Petitioners' Action with prejudice is GRANTED.
2. Additionally, all hearings related to this case are cancelled.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council and an Order signed on January 7, 2020 in the matter of Case #19-TC-015.

Denice Beans, Chief Trial Court Judge