

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

CoVantage Credit Union
Petitioner,

v.

CASE NO: 20-TC-006

Guenivere V. Stachelek,
Respondent,

FINAL ORDER

This case has come before the Oneida Trial Court, Honorable John E. Powless III presiding.
Appearing telephonically: Petitioner, CoVantage Credit Union, represented by Attorney Joshua Brady.

Non-Appearance: Respondent, Guenivere V. Stachelek.

STATEMENT OF THE CASE

Petitioner filed seeking to domesticate a foreign judgment from the Brown County Circuit Court.

ISSUE

Does the Brown County Circuit Court judgment meet the requirements for full faith and credit?

PRINCIPLES OF LAW

Title 8. Judiciary – Chapter 801

801.5-5. Full Faith and Credit or Comity. The Trial Court shall give full faith and credit to the orders and judgments of the courts of other tribes, states, and local governments unless:

- (a) The court in question does not recognize the orders and judgments of the Trial Court;
- (b) The court in question did not have jurisdiction over the case or a party or parties to it;
- (c) The order or judgment was based on fraud;
- (d) To do so would violate the public policy of the Tribe or would be likely to harm the culture, traditions, or sovereignty of the Tribe; or
- (e) The order or judgment is on appeal or is being contested in another jurisdiction.

ANALYSIS

The Brown County Circuit Court’s judgment meets all the requirements of the Oneida Code of Laws regarding full faith and credit. Therefore, the non-Oneida judgment must be given full faith and credit and shall be domesticated.

FINDINGS

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. Notice was provided to all those entitled to notice.

- a. Respondent did not appear at the hearing held on May 18, 2020 at 1:30 p.m.
- b. The Respondent is in default for failure to appear.
3. A certified copy of the non-Oneida judgment, which was entered in the Brown County Circuit Court on February 14, 2020, was filed with the Clerk of Court.
4. The Brown County Circuit Court recognizes the orders and judgments of this Court.
5. The Brown County Circuit Court had jurisdiction over the case or a party or parties to it.
6. The judgment was not based on fraud.
7. Giving full faith and credit to the judgment would not violate the public policy of the Oneida Nation and would not be likely to harm the culture, traditions, or sovereignty of the Nation.
8. The judgment is not being appealed or contested in another jurisdiction.

ORDER

The court enters the following order:

1. The judgment entered on February 14, 2020, in Brown County Circuit Court Case No. 19-SC-7155 is given full faith and credit and shall have the same effect and is subject to the same procedures and status as a judgment of the Oneida Judiciary and may be enforced or satisfied in like manner.
2. All previous orders remain in effect other than those modified herein.

IT IS SO ORDERED.

By the authority vested in the Oneida Trial Court pursuant to Resolution 01-07-13-B of the General Tribal Council an order was signed on May 19, 2020.

John E. Powless III
Trial Court Judge