

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Linda S. Dallas,
Cathy L. Metoxen,
Margaret R. Fermanich,
Travis Wallenfang
Petitioner,

v.

CASE NO: 20-TC-0120

Oneida Business Committee,
Oneida Election Board
Respondents

ORDER TO CONSOLIDATE

This case has come before the Oneida Trial Court, Honorable John E. Powless III presiding.

BACKGROUND

Petitioner filed a Request for a Preliminary Injunction and Temporary Restraining Order at the end of the business day at 4:27 p.m. on Friday, July 24, 2020. On July 31, 2020, prior to the scheduled hearing on July 31, 2020 at 9:20 a.m., Petitioner, Linda S. Dallas filed an Amended Complaint and Notice to Perfect Filing and Response to Order to Not Recuse. On July 31, 2020, the court ordered a briefing schedule. On August 3, 2020, Petitioner, Travis Wallenfang filed a complaint requesting logistical results on the 2020 Oneida Nation General Election and the Trial Court to rule the 2020 election process was not valid. By seeking to invalidate the 2020 General Election, Petitioner Travis Wallenfang, is requesting a Special Election for the General Election while also including a Primary Election Process.

PRINCIPLES OF LAW

803.22-1. Consolidation. If actions before the Court involve a common question of law or fact, the Court may:

- (a) Join for hearing or trial any or all matters at issue in the actions;
- (b) Consolidate the actions; or
- (c) Issue any other orders to avoid unnecessary cost or delay.

ANALYSIS

Petitioner Travis Wallenfangs' complaint draws a parallel to the issues in 20-TC-010. Both cases involve facts related to Oneida Business Committee and Oneida Election Board action regarding the 2020 General Election and the Oneida Election Law. Therefore, in the interest of Justice, this court finds it necessary to combine the two complaints into one. In doing so, the court finds it

appropriate to add Travis Wallenfang as a Petitioner in 20-TC-010.

FINDINGS

The Court finds as follows:

1. The Court has subject matter and personal jurisdiction over this matter.
2. Petitioner Linda S. Dallas filed a complaint on July 24, 2020.
3. A hearing was held July 31, 2020.
 - a. The court amended Petitioner caption to also include:
 - i. Cathy L. Metoxen
 - ii. Margaret R. Fermanich
4. The court amends Petitioner caption in 20-TC-010 to include Travis Wallenfang.
5. The court ordered the following brief schedule:
 - a. Respondents' Brief shall be due by the close of business on **Wednesday, August 5, 2020.**
 - b. Petitioners' Answer to Respondents' Brief shall be due by the close of business on **Monday, August 10, 2020.**
 - c. A status hearing is scheduled on **Wednesday, August 5, 2020 at 2:30 p.m.**
 - d. A final hearing will be scheduled on **Wednesday, August 12, 2020 at 9:30 a.m.** to allow parties to provide a concluding response.

ORDER

1. The court consolidates case no. 20-TC-012 into case no. 20-TC-010.
 - a. The court amends Petitioner caption to include Travis Wallenfang.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to BC Resolution 01-07-13-B an Order was signed on August 4, 2020.

John E. Powless III, Trial Court Judge