

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

CoVantage Credit Union
Petitioner,

v.

CASE NO: 19-TC-017

Cody J Egan,
Respondent,

FINAL ORDER

This case has come before the Oneida Trial Court, Honorable Layatalati Hill presiding.

Appearing telephonically: Petitioner, CoVantage Credit Union, represented by Attorney Joshua Brady.

Not appearing: Respondent, Cody J. Egan.

STATEMENT OF THE CASE

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

ISSUE

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

FINDINGS

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. Notice was provided to all those entitled to notice.
3. The Respondent did not appear at the hearing held on January 22, 2020 at 9:00 a.m.
4. The Respondent is in default for failure to appear.
5. A certified copy of the non-Oneida judgment was filed with the Clerk of Court.
6. The Brown County Circuit Court recognizes the orders and judgments of this Court.
7. The Brown County Circuit Court had jurisdiction over the case or a party or parties to it.
8. The judgment was not based on fraud.
9. Giving full faith and credit to the judgment would not violate the public policy of the Tribe and would not be likely to harm the culture, traditions, or sovereignty of the Tribe.
10. The judgment is not being appealed or contested in another jurisdiction.

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.

801.5-6. Non-Oneida Judgments. A certified copy of any non-Oneida judgment may be filed with the Clerk of Court. Except as provided under 801.5-5, the Clerk of Court shall treat the non-Oneida judgment in the same manner as a judgment of the Judiciary. A judgment so filed shall have the same effect and is subject to the same procedures and status as a judgment of the Judiciary, and may be enforced or satisfied in like manner, except that the Judiciary shall reserve the right to review and modify any non-Oneida order for the enforcement of a judgment, including but not limited to garnishment orders.

ANALYSIS

The Brown County Circuit Court and the certified copy of the judgment from that court met all the requirements of the Oneida Judiciary's law regarding full faith and credit. Therefore, the non-Oneida judgment must be given full faith and credit and be domesticated.

ORDER

1. The Brown County Circuit Court Judgment, case #19-CV-1356, issued on November 26, 2019, CoVantage Credit Union v. Cody J. Egan, is hereby given full faith and credit.
2. The Brown County Circuit Court Judgment 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.

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 January 22, 2020.

Layatalati Hill, Trial Court Judge