

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Amanda J. Gerondale,
Petitioner,

CASE NO: 22-TC-002

v.

Broadspire – A Crawford Co, and
Oneida HRD – Employee Ins,
Respondents,

DATE: March 2, 2022

ORDER

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

Appearing In-person: On behalf of the Respondents, Joshua Cottrell.

Non-appearance: Petitioner, Amanda J. Gerondale.

STATEMENT OF THE CASE

On February 17, 2022, the Petitioner filed a Worker’s Compensation complaint challenging the denial of Short-Term Disability benefits. An Initial Review hearing was scheduled on March 2, 2022, for the parties to clarify their positions in order for the Court to determine if the complaint will be heard. On March 1, 2022, the Petitioner motioned to voluntarily dismiss her complaint. An Initial Review hearing was held on March 2, 2022.

PRINCIPLE OF LAW

Oneida Code of Laws, Title 8. Oneida Judiciary Rules of Civil Procedure – Chapter 803
803.21-1(b). Dismissal of Action.

(b) *By Court Order; Effect.* Except as required in Rule 803.21-1(a)(1), an action may be dismissed at the plaintiff’s request only by Court order, on terms that the Court considers proper. If a defendant has pleaded a counterclaim before being served with the plaintiff’s motion to dismiss, the action may be dismissed over the defendant’s objection only if the counterclaim can remain pending for independent adjudication. Unless the order states otherwise, a dismissal under this paragraph (b) is without prejudice.

ANALYSIS

On March 1, 2022, the Petitioner motioned to voluntarily dismiss her complaint. At the Initial Review hearing on March 2, 2022, the Respondents did not object to Petitioner’s motion. The Court considers the Petitioner’s request proper.

FINDING OF FACTS

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. On February 17, 2022, the Petitioner filed a Worker's Compensation complaint challenging the denial of short-term disability benefits.
3. On February 18, 2022, the Court ordered the parties to clarify their positions.
 - a. An Initial Review hearing was held March 2, 2022 at 9:00 a.m.
4. The Petitioner motioned to voluntarily dismiss her complaint on March 1, 2022.
 - a. The Respondents did not object to Petitioner's motion.
5. The Petitioner's motion is proper, and as a result, the Court grants the motion.

ORDER

The Petitioner's motion to voluntarily dismiss her complaint is **GRANTED**. This case is dismissed with prejudice.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council an Order was signed on March 2, 2022.

John E. Powless III, Trial Court Judge