

**ONEIDA JUDICIARY**  
**Tsi nu téshakotiya?tolétha?**

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**TRIAL COURT**

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**Nancy A. Dallas**  
**Petitioner,**

v.

**CASE NO: 23-TC-003**

**Oneida Business Committee,**  
**Oneida Division of Land Management,**  
**Oneida Law Office**  
**Respondents,**

**DATE: March 7, 2023**

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**ORDER**

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

**STATEMENT OF THE CASE**

On March 6, 2023, Petitioner filed a complaint seeking a temporary restraining order requiring the Oneida Health Center and Oneida Museum to vacate the Woodland Worship Center located at 760 Airport Drive, Oneida, Wisconsin, 54155 immediately and that the building remain vacated until the Oneida General Tribal Council convenes on or about May 8, 2023.

**PRINCIPLES OF LAW**

**803.35 Injunctions and Restraining Orders**

***803.35-2. Temporary Restraining Order***

(a) Issuing Without Notice. The Court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney or advocate only if:

- (1) Specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and
- (2) The movant's attorney or advocate certifies in writing any efforts made to give notice and the reasons why it should not be required to give notice.

**ANALYSIS**

In accordance with 8 O.C. 803.35, a temporary restraining order may be issued without notice to an adverse party or its attorney or advocate, but only if specific facts are clearly presented in a complaint showing immediate and irreparable injury, loss, or damage to the petitioning party prior to the adverse party being heard or if the initiating party's attorney or advocate can show

efforts were made to provide notice or reasons why the petitioning party should not be required to give notice. Here, Petitioner filed a complaint for a temporary restraining order without notice seeking an order for the Oneida Health Center and Oneida Museum to vacate the Woodland Worship Center immediately and that the premises remain vacated until the Oneida General Tribal Council convenes on or about May 8, 2023. In this case, accompanying Petitioner's complaint, a Statement of Effect regarding Petitioner's two petitions to the Oneida Business Committee by the Legislative Reference Office, a response to a community member request to use the Woodland Building for a meeting and a flyer to visit the Oneida Museum Collections at the Woodland Building does not show immediate or irreparable injury, loss or damage. Additionally, this Court has no knowledge of the outcome of Petitioner's petitions to the Oneida Business Committee, as a result, the information presented does not lead the Court to find that immediate and irreparable injury, loss or damage would result to the Petitioner.

The second course of action in which a temporary restraining order may be issued without notice requires the movant to present written documentation of efforts made to give notice or reasoning why it should not be required to give notice. This option is not applicable in this case. Petitioner's complaint clearly identifies that Petitioner is seeking a temporary restraining order without notice, as Petitioner did not present efforts made to provide notice or reasoning why Petitioner should not be required to give notice.

### **FINDINGS OF FACT**

The Court finds as follows:

1. The Court has subject matter and personal jurisdiction over this matter.
2. On March 6, 2023, Petitioner filed a complaint seeking a temporary restraining order without notice to the adverse party.
3. Petitioner did not present specific facts showing an immediate and irreparable injury, loss or damage to Petitioner.

### **ORDER**

1. Petitioner's request for a temporary restraining order without notice is DENIED.

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 March 7, 2023.

  
John E. Powless III, Trial Court Judge