

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

CoVantage Credit Union,
Petitioner

v.

CASE NO: 23-TC-017

DATE: January 12, 2024

Sage Birdsbill,
Fern Orie,
Respondents

FINAL ORDER

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

Appearing telephonically: Petitioner, CoVantage Credit Union, represented by Attorney Zachary Enstrom.

Non-Appearance: Respondents, Sage Birdsbill and Fern Orie.

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 must be domesticated.

FINDINGS

1. The Court has subject matter and personal jurisdiction over this matter.
2. Notice was provided to all those entitled to notice.
 - a. Respondents did not appear at the hearing held on January 10, 2024, at 10:00 a.m.
 - b. The Respondents are in default for failure to appear.
3. Petitioner's attorney, Zachary Enstrom, is not admitted to practice law in the Oneida Judiciary.
 - a. Attorney Enstrom requested a waiver for a one-time appearance with no reasonable expectation of future appearances.
 - b. The Court granted the request, in accordance with the Oneida Judiciary Rules of Admission Rule 1-4 (A)(c).
4. A certified copy of the non-Oneida judgment, which was entered in the Brown County Circuit Court on October 4, 2023, was filed with the Clerk of Court.
5. The Brown County Circuit Court recognizes the orders and judgments of this Court.
6. The Brown County Circuit Court had jurisdiction over the case or a party or parties to it.
7. The judgment was not based on fraud.
8. 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.
9. The judgment is not being appealed or contested in another jurisdiction.

ORDER

The Court enters the following order:

1. The judgment entered on October 4, 2023, in Brown County Circuit Court Case No. 23-CV-181 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. Attorney Zachary Enstrom is granted a temporary waiver of the application for admission to practice in the Oneida Judiciary on a one-time appearance.
3. 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 this order was signed on January 12, 2024.



Layatalati Hill, Chief Trial Court Judge