

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

**Oneida Nation / Oneida Police Department,
Plaintiffs;**

v.

CASE NO: 24-CT-015

DATE: May 22, 2024

**Erin N. Jorgenson,
Defendant.**

ORDER

This case came before the Oneida Trial Court, Honorable Patricia Ninham Hoeft presiding.

Appearing in-person: Attorney Kelly McAndrews, representing Plaintiffs.

Not appearing: Erin N. Jorgenson, Defendant.

BACKGROUND

Defendant was issued a citation for an alleged violation of Oneida Code of Laws (O.C.L.), 304.6-1, Failure to obtain a license - 1st offense, resulting in a \$25.00 fine plus \$25.00 court costs. At a citation pre-trial hearing on May 16, 2024, Defendant did not appear and did not pay the fine prior to the hearing. A defendant who fails to appear in court may be found in default and a default judgment may be granted upon the receipt of sufficient evidence to establish the claim. Plaintiffs' attorney motioned to find Defendant in default and grant a default judgment ordering Defendant to pay the fine and court costs. The Court granted the motion for a default judgment and orders Defendant to pay the fine and court costs.

FINDINGS OF FACT

1. The Court has subject matter and personal jurisdiction over this matter.
2. Defendant received proper notice.
3. Defendant was issued a citation for allegedly violating O.C.L. 304.6-1, Failure to Obtain a

License – 1st offense, and fined \$25.00 plus \$25.00 court costs.

4. The citation was issued for a violation on March 12, 2024; Defendant is the owner of an American Pitbull dog named Bruce.
5. Prior to this hearing, Defendant did not pay the fine, file written notice of her intention to contest the citation, nor did Defendant enter into a stipulation with the Plaintiffs' attorney.
6. At the citation pre-trial hearing, Defendant did not appear. Plaintiffs' attorney motioned the Court to find Defendant in default and grant a default judgment against Defendant.
7. Plaintiffs' attorney testified that Oneida Police Department (O.P.D.) Officer J. Wheelock personally delivered the citation to Defendant for the violation of O.C.L. 304.6-1, Failure to Obtain a License and Defendant was not mandated to attend the citation pre-trial hearing.
8. At the citation pre-trial hearing, the Court found Defendant in default for failing to appear and granted Plaintiffs' motion for a default judgment.

PRINCIPLES OF LAW

Oneida Code of Laws Title 3. Health and Public Safety - Chapter 304 Domestic Animals

304.6-1. License Required. An owner shall be required to obtain a license for any dog or cat five (5) months of age or older on an annual basis.

O.C.L. Title 8. Judiciary – Chapter 807 Citations

807.6-1. Citation Pre-Hearing.

(f) If a defendant does not appear at the pre-hearing or submit written notice that he or she is contesting the citation when there is a non-mandatory appearance, and the defendant has not entered into a stipulation or paid the fine and/or penalty as listed on the citation, the Court may proceed to enter a default judgment.

(1) A default judgment may include any fine amount due, restitution, suspension of any rights, privileges, or licensures, and/or any other penalty authorized by law.

O.C.L. Title 8. Judiciary – Chapter 801 Judiciary, Rule #1 – Oneida Trial Court Rules

1.5 Default Judgment

1.5-1. If a party fails to appear at any Trial Court matter, the Court shall confirm and be satisfied that proper notice was provided.

1.5-3. If the Trial Court finds that proper notice was provided, the Trial Court may enter judgment against the party that failed to appear. The Trial Court, in its discretion, may require a party to produce sufficient evidence to support a judgment against the other party.

O.C.L. Title 8. Judiciary – Chapter 803 Oneida Judiciary Rules of Civil Procedure

803.29-6. *Setting Aside a Default or a Default Judgment.* The Court may set aside an entry of default for good cause, and it may set aside a default judgment under Rule 803.33-2 within one (1) year of entry of default or default judgment.

ANALYSIS

Defendant did not appear at a citation pre-trial hearing. Under the Nation’s Citations law, O.C.L. 807.6-1(f), if a defendant does not appear at the citation pre-trial hearing or submit written notice that they will be contesting the citation when there is a non-mandatory appearance, and the defendant has not entered into a stipulation or paid the fine and/or penalty as listed on the citation, the Court may proceed to enter a default judgment. Here, Defendant was issued a citation and her appearance was non-mandatory. Plaintiffs’ attorney testified that Defendant received proper notice when the O.P.D. officer personally delivered the citation to Defendant. Because Defendant was properly noticed of the citation pre-trial hearing and her appearance was non-mandatory, the Court finds Defendant in default for failing to appear and grants Plaintiffs’ attorney’s motion for default judgment.

ORDER

A default judgment is entered in favor of Plaintiffs and against Defendant as follows:

1. The Court finds Defendant **GUILTY** of O.C.L. 304.6-1, Failure to Obtain a License – 1st offense.

2. **24-CT-015: O.C.L. 304.6-1, Failure to Obtain a License – 1st offense.**


Fine:	\$ 25.00
Court Costs:	+ \$ 25.00
Amount owed by Defendant:	<u>\$ 50.00</u>

3. Defendant shall pay the \$25.00 fine plus \$25.00 court costs to the Oneida Judiciary within thirty (30) days after this order is signed or **on or before June 21, 2024.**

4. The total amount due is payable to the Oneida Judiciary. Failure to pay is subject to the Nation’s laws and remedies.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the
General Tribal Council, this Order was signed on May 22, 2024.


Patricia Ninham Hoeft, Trial Court Judge