

ONEIDA JUDICIARY

Tsi nu téshakotiya?tolétha?

TRIAL COURT

**BCG Equities, LLC,
c/o Dobberstein Law Firm, LLC,
Creditor;**

v.

**CASE NO: 24-GRN-019
DATE: November 18, 2024**

**Tasha Santiago,
Debtor.**

FINAL ORDER

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

Appearing telephonically: Attorney Richard Stueckroth, representing Creditor. *Not appearing:* Tasha Santiago, Debtor.

BACKGROUND

On October 4, 2024, Creditor filed a petition for a wage garnishment, claiming Creditor is owed additional post judgment interest that accrued during the garnishment period when Debtor was making payments on the debt. On November 13, 2024, a review hearing was conducted; Debtor did not appear and the Court found Debtor in default for failing to appear. During the hearing, Creditor motioned to dismiss and withdraw the case after learning that Oneida's Garnishment law does not allow Creditors to collect additional post judgment interest during the payment period. Under 204.5-6(d), a Creditor may seek a one-time post judgment interest amount to be added to the judgment amount. In this case, on August 14, 2019, the Court issued a garnishment order to Creditor that included a one-time post judgment interest amount added to the judgment. On May 1, 2024, Debtor paid off the judgment that included the one-time post judgment interest. Thus, Creditor's motion to dismiss and withdraw this case is granted.

PRINCIPLES OF LAW

Oneida Code of Laws (O.C.L.), Title 2. Employment – Chapter 204, Garnishment 204.5-6. Garnishment Orders.

(d) *Post Judgment Interest.* The Judiciary shall include in the garnishment order a one (1) time post judgment interest charge to judgment amount. The Judiciary shall determine the post judgment interest rate by one (1) of the following means:

- (1) An agreement by the parties to the garnishment as to a fair post judgment interest rate; or
- (2) A post judgment interest rate equal to one percent (1%) plus the prime rate in effect on the date in which the judgment was awarded or the date of the final notice of indebtedness with intent to garnish, as reported by the Federal Reserve Board in federal reserve statistical release H. 15.

ORDER

1. The Creditor's motion to dismiss is **GRANTED**.
2. This case is dismissed.

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 is signed on November 18, 2024.


Patricia Ninham Hoefft, Trial Court Judge