

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Oneida Nation General Manager Mark Powless,
Petitioner;

v.

CASE NO: 25-CT-001

DATE: April 11, 2025

Estate of Mitchel Roy Metoxen and
Glenda Ann Metoxen,
Respondent.

DISMISSAL ORDER

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

BACKGROUND

On February 28, 2025, Petitioner-Creditor filed a complaint seeking a money judgment against the Respondent-Debtor stating that the Debtor owes the Creditor \$18,048.19 for a charged off loan. On April 3, 2025, Petitioner-Creditor filed with the Court a written motion seeking to dismiss the complaint because the Respondent paid the past due balance in full on March 28, 2025.

PRINCIPLES OF LAW

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

803.21-1. *Voluntary Dismissal.*

(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


In this case, Petitioner-Creditor filed a written motion seeking dismissal of their complaint for a money judgment against an estate for money owed to the creditor for a charged off loan. Because the Respondent-Debtor paid the debt in full, Petitioner-Creditor motions the Court to dismiss their complaint. Therefore, the Court grants Petitioner's motion to dismiss their complaint.

ORDER

Petitioner-Creditor's motion to dismiss case # 25-TC-001 is GRANTED.

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 April 11, 2025.


Patricia Ninham Hoeft, Trial Court Judge