

## COURT OF APPEALS

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Oneida Comprehensive  
Housing Division,  
Appellant,

v.

Terrylee Blackowl,  
Respondent.

Case No.: 25-AC-003

Date: September 26, 2025

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### **DENIAL OF MOTION FOR APPEAL OF INTERLOCUTORY ORDER**

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This matter has come before the Court of Appeals, Chief Appellate Judge, Patricia M. Garvey, Appellate Court Judges Diane House and Daniel Cornelius.

#### BACKGROUND

On June 26, 2025, Terrylee Blackowl (hereinafter “Blackowl”) received a notice of eviction from the Oneida Comprehensive Housing Division (hereinafter “OCHD”) for the property located at 1320 Onu-Sla-Way, Green Bay, 54313. Blackowl filed a timely appeal of the eviction notice and the Trial Court accepted the appeal. On July 29, 2025, the OCHD filed a motion to dismiss Blackowl’s complaint for failure to state a claim upon which relief can be granted. On August 28, 2025, the Trial Court held a hearing on OCHD’s motion to dismiss. On September 11, 2025, the Trial Court issued a Scheduling Order wherein it denied OCHD’s motion to dismiss and scheduled a trial date for September 26, 2025. On September 22, 2025, OCHD filed an interlocutory appeal of the Trial Court’s denial of their motion to dismiss with the Court of Appeals. On September 23, 2025, OCHD filed motion to stay all Trial Court proceedings until a decision is made by the Appellate Court on the motion for an interlocutory appeal. On September 25, 2025, Blackowl filed an objection to motion to stay the Trial Court proceedings.

## ANALYSIS

The Trial Court conducted a thorough examination of the arguments presented by OCHD and Blackowl. Based on the OCHD totality of the circumstance's argument, the Trial Court found the OCHD failed to consider factors such as Blackowl's age of 72, her years of residency since 1995, and her home ownership since 2007. In addition, Ms. Blackowl admitted she satisfied the issues of providing a peaceful occupancy by expelling her family members who caused the complaints.

The Trial Court found the OCHD provided conclusory statements about what took place at Ms. Blackowl's home and finding "the statements are devoid of any specific facts, circumstances, dates, citations to laws or rules" ... *Trial Court decision, p.4.* In Conclusion, the Trial Court found that Blackowl sufficiently challenged the basis of OCHD's eviction decision and denied OCHD's motion to dismiss. "Findings of fact by a trial court will not be upset on appeal unless they are against the great weight and clear preponderance of the evidence. *J.A.L. v. State ((In the Int. of J.A.L.), 162 Wis. 2d 940,966, 471 N.W.2d 493 (1991).*" We agree with the Trial Court's findings that Blackowl sufficiently challenged the basis for the eviction. As a result, the interlocutory appeal to remand this matter to the Trial Court with instructions to dismiss without prejudice is denied.

## ORDER

After reviewing OCHD's filing and the Trial Court Order, this Court UPHOLDS the Trial Court Order denying OCHD's motion to dismiss and DENIES the Interlocutory Appeal. The Motion for Stay is also DENIED.

By the authority vested in the Oneida Judiciary, Court of Appeals, in Oneida General Tribal Council Resolutions 01-07-013-B and 03-19-17-A, the Trial Court order is Upheld, the Appeal of the Interlocutory Order is Denied, and the Stay is Denied. Dated this 26th day of September 2025, in the matter of Case Number 25-AC-003, *Oneida Comprehensive Housing Division v. Terrylee Blackowl.*

*It is so ordered.*