

State of Wisconsin

Oneida Appeals Commission
Oneida, Wisconsin

Brown County

Leah Sue Dodge,
Petitioner

NOTICE OF MOTION and MOTION:

-vs.-

**MOTION FOR RECUSAL AND
SUBSTITUTION:**

Oneida Land Commission,
Respondent

and
MOTION FOR INJUNCTIVE RELIEF:

Case No.: 13-TC-126

I. Motion for Recusal and Substitution

I hereby request a recusal of all Oneida Appeal(s) Commissioner(s) and Senior Staff Attorney Rebecca (Becky) Webster of the Oneida Law Office on the above-referenced case, based upon the following reasons and stated purposes:

1. Chris J. Cornelius, Hearing Officer: Obvious conflict of interest in this particular case being that her mother, Patricia Cornelius, is a member of the Oneida Land Commission, Respondent;
2. Jean Webster, Lead Judicial Officer: Close personal friend of Brian A. Doxtator who was the beneficiary of the Respondent's decision;
3. Lois Powless, Hearing Officer: Aunt of Petitioner;
4. Continuing in the spirit of the ABA Model Code of Judicial Conduct for the body of Appeals Commission Hearing Officers as a whole relative to the absolute importance of avoiding even the mere appearance of impropriety:
 - a. Conflicts of interest by themselves and/or immediate family members being past and/or present clients of Mr. Doxtator's tax preparation business;
 - b. Conflicts of interest by hearing officers and/or immediate family members who reside on Oneida Tribal trust land and therefore parties to residential leases subject to approval by the Respondent, the Oneida Land Commission;

5. Attorney Rebecca (Becky) Webster is to be recused from this case as she will be called as a material witness in this case by having been present during the August 12, 2013 hearing and decision thereby demonstrating a failure to advise of and enforce the proper application of the Zoning and Shoreland Protection Law by the Respondent; and
6. Petitioner respectfully reserves all rights to participate in the selection process of any and/or all judge(s) selected for this case after recusal.

II. Motion for Injunctive Relief

I hereby request immediate injunctive relief by the Oneida Appeals Commission against Mr. Brian A. Doxtator through the immediate enforcement of a halt to the construction of the intended commercial office building upon Parcel #HB-1339 located at 112 Riverdale Drive (said building misrepresented as a 'garage' in Mr. Doxtator's own documents) pending the outcome of this case which may result in the permanent rescission of the permit for said building as well as other requested relief.

Signed this 18th day of September 2013,

Leah Sue Dodge, Petitioner
N7345 County Road U
P.O. Box 95
Oneida, WI 54155