

# ***Oneida Tribal Judicial System***

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## **TRIAL COURT**

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**Leah S. Dodge,  
Petitioner**

**Docket No: 13-TC-126**

**v.**

**Oneida Land Commission,  
Respondent**

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### **Order Motion for Injunction**

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This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Jean M. Webster, Chris Cornelius, and Leland Wigg-Ninham, presiding.

#### **I Background**

On August 26, 2013 Petitioner, Leah S. Dodge, filed Motion for Injunctive Relief against Respondent, Oneida Land Commission for the following relief: to reverse the decision and rescission of the building permit subsequently issued by the Oneida Zoning Department based on the Oneida Land Commission's improper decision.

Petitioner alleges the following:

- The Oneida Land Commission is in contempt for the rule of law and Tribal regulations set forth in the Zoning and Shoreland Protection law by rendering a decision outside of the bounds of its authority as established in Chapter 69.
  - Petitioner alleges Respondents granted Brian Doxtator's variance request prematurely. Petitioner alleges Brian Doxtator failed to provide testimony or documentation in accordance with Federal regulations governing the use and

occupancy of individual trust as required by Chapter 69.

- Petitioner further alleges the ten (10) day comment period to submit written concerns was not met as the Oneida Land Commission rendered a decision within a few days after the public hearing regarding Brian Doxtator's variance request.
- Petitioner further alleges the Land Commission acted outside of its authority in accordance with Chapter 69.10-3(i)
- Oneida Land Commission negligently failed its duties to protect the public interest and has harmed the surrounding neighborhood.
  - Petitioner claims the Respondent's decision has placed the burned and undue hardship on the surrounding neighborhood to be forced to protect themselves by monitoring the activities of Brian Doxtator and report an deviations from the conditions of the original approval.
- Petitioner alleges there is a potential for a conflict of interest between the Respondent and Brian Doxtator. Petitioner alleges the potential conflict is whether any of the Respondents are past or present clients of Brian Doxtator's tax preparation and payroll business. If so, are the Respondent in violation of the Code of Ethics policy as they failed to identify/report or recuse themselves from the decision.

On September 3, 2013 the trial court held a deliberation.

## **II Issue**

1. Does Petitioner have cause to file for an Injunctive Relief?

## **III Analysis**

1. Does Petitioner have cause to file for an Injunctive Relief?

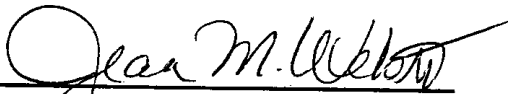
Oneida Land Commission's approval of Brian Doxtator's variance request establishes grounds for immediate or irreparable harm. Therefore, Petitioner established a right to injunctive relief to a hearing. According to Rules of Civil Procedure, Rule 31(A), a hearing is scheduled for Friday, September 20, 2013 at 9:00 a.m.

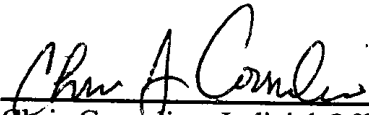
#### IV Decision

The court grants the Petitioner's request for Injunction Relief hearing. A hearing is scheduled to hear the merits of the case on **Friday, September 20, 2013 at 9:00 a.m.**


IT IS SO ORDERED.

By the authority vested in the Oneida Tribal Judicial System pursuant to Resolution 8-19-91A of the General Tribal Council a deliberation held on this 3<sup>rd</sup> day of September, 2013 in the matter of Leah S. Dodge v Oneida Land Commission, Docket Number 13-TC-126.

  
Jean M. Webster, Lead Judicial Officer

  
Chris Cornelius, Judicial Officer

UNAVAILABLE FOR SIGNATURE

  
Leland Wigg-Ninham, Judicial Officer