

SAINT REGIS MOHAWK TRIBAL APPELLATE COURT

Catherine Leaf,
Appellant

Case No: 19-CIV-00009

V.

Irving Papineau and Todd Papineau,
Appellees

DECISION AND ORDER DENYING RECONSIDERATION

Procedural History

On April 26, 2019, Appellant filed two appeals with the Saint Regis Mohawk Tribal Appellate Court. In appeal 19-CIV-00009, Appellant sought review of a Saint Regis Mohawk Tribal Court Decision, (18-LND-00004), dated April 18, 2019, which addressed a land dispute between Appellant Catherine Leaf and Appellees Irving Papineau and Todd Papineau.

On September 11, 2019, the Appellate Court rendered a Decision/Order in 19-CIV-00009 which DISMISSED the Appellant's appeal.

On October 7, 2019, Appellant filed a Petition with the Tribal Court seeking "Reconsideration". Appellant's Petition set forth numerous factual assertions related to this longstanding land dispute but did not discuss any matters of law to support a claim that the Appellate Court erred in its Decision and Order dismissing the Appeal.

Jurisdiction

This case comes before the Saint Regis Mohawk Tribal Appellate Court upon Appellant's Petition for Reconsideration of the Appellate Court Decision and Order¹ in a letter to the Court dated October 7, 2019. The Saint Regis Mohawk Tribe's Rules of Civil Appellate Procedure Section XX [Rule 18], permits a party seeking reconsideration of a decision of the Appellate Court to file a petition with the Clerk of the Appellate Court within 20 days after the Clerk has notified the parties that a Decision has been rendered.

Analysis

SRMT Rules of Civil Appellate Procedure Section XX [Rule 18], requires filing of a Motion seeking Reconsideration within 20 days after the Clerk has notified the parties that a decision has been rendered by the Appellate Court. Although Appellant's application was filed 27 days after the Appellate Court decision was issued, this Court will consider the filing timely, assuming that it may have taken up to a week to process the decision, mail it to Appellant, and have her receive it.

¹ The Court views the letter, which does not reference either case by case number, as a single Motion for Reconsideration as to both 19-CIV-00010 and 19-CIV-00009. This Court issues decisions for each case individually due to the unique basis for the appellate decision in each case.

Rule 18 sets forth additional procedures for filing a Petition for Reconsideration of a decision of the Appellate Court. Rule 18 requires that a "petition for reconsideration and supporting memorandum *shall be* directed to the discussion of the matters of law in which it is claimed that the Appellate Court erred." (Italics added). In the instant case, no authorities are cited and no memorandum addresses discussion of an error of law claimed by Appellant in the Appellate Court decision. The letter simply rehashes the facts that have been litigated time and again by the same Appellant in multiple cases over nearly two decades.

Order

Because Appellant's Petition fails to claim an error of law by the Appellate Court, it is the ORDER and JUDGEMENT of this Court that the Petition for Reconsideration of the Appellate Court Decision in 19-CIV-000009 is hereby **DENIED**.

Signed by my hand this 30th day of October, 2019.



Patricia Lenzi, Acting Chief Appellant Judge
Saint Regis Mohawk Tribal Appellate Court



Entered into the docket book
On: October 30 2019
Signed: Patricia Lenzi



Lisa Garabedian, Associate Appellant Judge
Saint Regis Mohawk Tribal Appellate Court



Karla General, Associate Appellant Judge
Saint Regis Mohawk Tribal Appellate Court