

**SAINT REGIS MOHAWK TRIBAL COURT
IN AND FOR THE SAINT REGIS MOHAWK TRIBE**

Brenda J. Hathaway, Thomas L. Hathaway, Jr.)	
)	
Claimant(s))	Case No.: 19-LND-00003
)	
v.)	DECISION AND ORDER
)	
Allan T. Jones)	
Respondent)	

Procedural Background

On April 24, 2019, Brenda Hathaway and Thomas Hathaway, Jr., Claimants, filed a land dispute complaint naming Allan Jones as the Respondent.

On May 23, 2019, Allan Jones, Respondent, filed an answer denying claims raised by Brenda Hathaway and Thomas Hathaway, Jr., Claimants.

On June 21, 2019, the Court held an initial appearance on the matter. Brenda Hathaway and Thomas Hathaway, Jr., Claimants, appeared and were self-represented. Allan Jones, Respondent, appeared and was represented by Virginia Gettmann, Esq. Ms. Gettmann filed on Respondent's behalf a Notice of Appearance the same day.

On July 23, 2019, the Court held a status conference on the matter. Brenda Hathaway and Thomas Hathaway, Jr., Claimants, appeared and were represented by Thomas B. Wheeler, Esq. Mr. Wheeler filed on Claimant's behalf a Notice of Appearance the same day. Allan Jones, Respondent, appeared and was represented by Virginia Gettmann, Esq.

On September 16, 2019, Virginia Gettmann, Esq., Respondent's legal counsel, filed a motion to dismiss.

On September 25, 2019, the Court held a status conference on the matter. All parties were in attendance and represented by legal counsel.

On October 3, 2019, Thomas Wheeler, Esq., Claimants' legal counsel, filed an Answer to Respondent's motion to dismiss.

On October 10, 2019, the Court held a hearing on the Claimants' motion to dismiss. All parties were in attendance and represented by legal counsel. The Court heard oral arguments from Virginia Gettmann, Esq. and Thomas Wheeler, Esq. on their clients' behalf.

On October 30, 2019, the Court issued a Decision and Order holding that the 2004 and 2006 Tribal Council Resolutions and that the portions of the August 2, 2012 Land Dispute Tribunal decision and the Addendum decision dated November 15, 2012 are valid and controlling and granted Respondent's motion to dismiss. In its Decision and Order, the Court did not address the remaining issue involving the property improved by Louis Hathaway and the driveway in dispute, thus, the issue was reserved for further hearings.

On November 19, 2019, Brenda J. Hathaway and Thomas L. Hathaway, Jr., Claimants, filed an appeal with the Saint Regis Mohawk Tribe Court of Appeals appealing the aforementioned Decision and Order. On November 19, 2019, the Court issued a Scheduling Order taking this matter off the calendar until the Saint Regis Mohawk Court of Appeals rendered a decision. On February 4, 2021, the Saint Regis Mohawk Court of Appeals issued a decision affirming the decision without prejudice entered on October 30, 2019 and remanded the case to the Court to hear the issue that was reserved for further hearings.

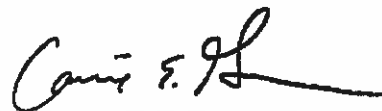
On March 1, 2021 the Court held an initial appearance on the remaining issue. Brenda Hathaway and Thomas Hathaway, Jr. were present and represented by their legal counsel, Thomas Wheeler, Esq. Allan Jones was present and represented by his legal counsel, Virginia Gettmann, Esq. During the appearance, the parties asked that the Court request that the Saint Regis Mohawk Tribe appear as an interested party.

SCHEDULING ORDER

Based on the agreed upon dates, the Court shall proceed with the following deadlines:

1. Allan T. Jones, Respondent, must submit his motion to join on March 31, 2021, serve Brenda Hathaway and Thomas Hathaway, Jr., their legal counsel, and the Saint Regis Mohawk Tribe.
2. Brenda Hathaway and Thomas Hathaway, Jr., Plaintiffs, must submit a response to the motion by April 15, 2020, serve Allan T. Jones, Respondent, his legal counsel, and the Saint Regis Mohawk Tribe.
3. The Saint Regis Mohawk Tribe may submit a response to the parties briefs by April 26, 2021. The response must be served on the parties and their legal counsels.
4. Parties are **ORDERED, ADJUDGED AND DECREED** to appear on **May 4, 2021 at 10:00 a.m.** for a hearing on the submitted motions. The Saint Regis Mohawk Tribe and/or its legal representative must appear for the aforementioned hearing.

Signed this 18th day of March, 2021.



Carrie E. Garrow, Chief Judge
Saint Regis Mohawk Tribal Court