

)	
Harvey Thompson)	
Plaintiff)	Case No.: 19-LND-00004
)	
v.)	DECISION AND ORDER
)	
Francis Conners III,)	
Jennifer Smoke)	
Respondent)	

clarification regarding Eli Tarbell's written submission. Francis Conners III and Jennifer Smoke, Respondents, asked for time to respond to Ramona Shenandoah and Plaintiff's request to name her as a party to this case through a written submission.

On December 9, 2019, the Court issued a Scheduling Order directing Eli Tarbell to submit a filing clarifying his claim and Francis Conners III and Jennifer Smoke, Respondents, to submit a written objection to Ramona Shenandoah's request to be named a party to this action. All submissions were ordered to be submitted by December 16, 2019.

On December 12, 2019, Harvey Thompson, Plaintiff, submitted a letter brief objecting to Eli Tarbell being granted the status of an "interested party."¹

On January 2, 2020, the Court issued a Decision and Order dismissing Eli Tarbell and Ramona Shenandoah's request to be named a party or interested party in this matter. The Court ordered the Plaintiff to submit a brief addressing whether his claims are barred by res judicata.

On January 23, 2020, Harvey Thompson, Plaintiff, submitted a brief.

On February 14, 2020, Francis Conners III, submitted a response brief and an order to show cause.

On February 20, 2020, Judge Garrow was made aware that her parents are in the process of hiring Francis Conners III, Respondent, to do some repair work to their house.

On February 25, 2020, the Court provided notice to the parties and issued a Scheduling Order.

On March 9, 2020, Harvey Thompson, Plaintiff, filed a Motion for Recusal.

On March 16, 2020, the Court issued another Scheduling Order due to the COVID-19 pandemic, extending the time the Respondents have to file an answer to the Plaintiff's Motion for Recusal to April 27, 2020. The Respondents failed to file a response.

On June 12, 2020, the Court issued a Decision and Order denying Harvey Thompson, Plaintiff's, request for a recusal.

On June 26, 2020, the Court issued a Decision and Order denying Francis Conners III, Respondent's, motion to show cause.

On July 8, 2020, the Court was made aware that Harvey Thompson, Plaintiff, has filed a Notice to Appeal this Court's Decision and Order dated June 12, 2020.

¹ The Court also notes it received on December 13, 2019, Francis Conners III, Respondent, filed a submission with the Court. The Court received no proof this was served on Harvey Thompson, Plaintiff, or his legal counsel. Furthermore, on December 13, 2019, the Court received a submission from Eli Tarbell. There was no proof this was served on Harvey Thompson, Plaintiff, or Francis Conners III, Respondent, or Jennifer Smoke, Respondent. The aforementioned filings have not been reviewed nor made part of the record based on the filing party's failure to serve the other named parties.

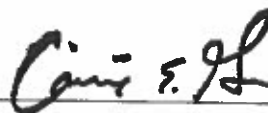
DISCUSSION

As previously noted, Harvey Thompson, Plaintiff, has filed a Notice of Appeal with the Saint Regis Mohawk Tribe Court of Appeals appealing the Decision and Order holding that Judge Garrow does not have to recuse herself from presiding over the matter. After reviewing the record and taking into account the Decision and Order that is currently under review by the Court of Appeals, the Court shall not proceed on this case and address the filed briefs and documents until a decision is rendered by the higher court.

ORDER

Based on the foregoing, the Court will not hold any proceedings on this matter until the Saint Regis Mohawk Court of Appeals renders a decision and it is **ORDERED, ADJUDGED AND DECREED** that the parties shall **CEASE AND DESIST** from altering, destroying, or selling the property in dispute while this matter is pending.

Signed this 8th day of July, 2020.



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

No later than ten (10) days after a judgment is final, a party may ask the Judge for a rehearing, reconsideration, correction vacation, or modification of the judgment. The parties have thirty (30) days from the entry of this Order to file an appeal with the Saint Regis Mohawk Court of Appeals.