

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

On July 23, 2019, Harvey Thompson, Plaintiff, filed a land dispute complaint with the Court naming Francis Conners III and Jennifer Smoke as the Respondents. On the same day, Terrance Hoffman, Esq. filed a Notice of Appearance on the Plaintiff's behalf.

On September 23, 2019, the Court held an initial appearance on this matter. Francis Conners III and Jennifer Smoke, Respondents, were present and self-represented. Harvey Thompson, Plaintiff, appeared and was represented by Terrance Hoffmann, Esq.

On October 25, 2019, the Court held a pre-trial on this matter. Francis Conners III and Jennifer Smoke, Respondents, were present and self-represented. Harvey Thompson, Plaintiff, appeared and was represented by Terrance Hoffmann, Esq.

On November 25, 2019, Harvey Thompson, Respondent, filed an answer to Eli Tarbell's complaint, a copy of a letter that was sent to Mr. Tarbell, a copy of an Affidavit signed by Ramona Shenandoah, a witness list, a copy of an email to the Court requesting an adjournment of the trial of the above matter, and a letter requesting that Ramona Shenandoah, daughter of Plaintiff Harvey Thompson, be included as a named Plaintiff in this action.

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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.

Applicable Law

The Saint Regis Mohawk Tribe Land Laws and Land Dispute Ordinance (SRMT LL&LDO) governs this matter.

Jurisdiction

In order to address the instant case, the Court must first determine whether it possesses jurisdiction over the matter. Pursuant to the SRMT LL&LDO, the Court has jurisdiction to

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.

resolve matters involving tribal members' land interests.² In regards to the case at bar, the filings by the parties demonstrate that the property is located within the Saint Regis Mohawk Indian Reservation. Therefore, the Court holds that it possesses jurisdiction to resolve the instant matter.

DISCUSSION

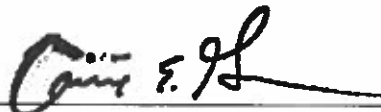
In the instant case, Francis Conners III, Respondent, has submitted an Order to Show Cause. In his Order to Show Cause, he is asking the Court to direct Harvey Thompson, Plaintiff, to show cause why a judgment should not be made and entered pursuant to SRMT Probate Law, Chapter 1, Section 1.5 Statements and Fraud and SRMT Land Laws and Land Dispute Ordinance, Section A, Intestate Distribution and direct Plaintiff and to produce documents such as a marriage certificate to substantiate the affidavits and legal filings alleging that Evelyn Day Jacco was the legal wife of Hugh Tarbell. A reading of Francis Conners III, Respondent's, order to show cause demonstrates that he wishes to obtain documentation and wants to put at issue whether Evelyn Day Jacco was the legal wife of Hugh Tarbell.

At this time, the Court is reviewing the briefs submitted by Harvey Thompson, Plaintiff, and Francis Conners III, Respondent addressing whether principles of res judicata applies to the decision, dated April 26, 1999, entered by Hon. Frank T. Horn. The issue of whether Evelyn Day Jacco was the legal wife of Hugh Tarbell may be an issue that must be resolved at the trial; thus, is premature at this time. Moreover, the information regarding Evelyn Day Jacco is not required to address the issue regarding the applicability of the principles of res judicata to Hon. Frank T. Horn's decision, dated April 26, 1999. Furthermore, the Court notes that in preparation for trial, Respondent may request that documentation through a discovery request.

ORDER

Based on the foregoing, the Court **DENIES** Francis Conners III, Respondent's, request for an Order to Show cause.

Signed this 26 day of June, 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.

² SRMT LL&LDO § VI. A. 1.