

SAINT REGIS MOHAWK TRIBAL COURT

Corleen Jackson,
Claimant

Case No.: 19-LND-00008

-V-

TEMPORARY RESTRAINING ORDER DECISION AND ORDER

Nancy Oakes,
Respondent

Procedural History

On October 11, 2019, Corleen Jackson filed a land dispute claim against Nancy Oakes. A request for a temporary restraining order was included with the land dispute complaint.

Jurisdiction

The Saint Regis Mohawk Land Laws & Land Dispute Ordinance (SRMT LL&LDO) states that the "Saint Regis Mohawk Tribal Court shall have jurisdiction over land disputes."¹ The present matter comes to the Court as a land dispute, thus the Court exercises jurisdictional authority over the present dispute pursuant to the SRMT LL&LDO.

Analysis

The Saint Regis Mohawk Rules of Civil Procedure allow a party to request a temporary restraining order without notice to the other party.² The Claimant, Corleen Jackson, has not yet filed proof of service, thus her request will be considered a request for a temporary restraining order. The Claimant must show that she will suffer "permanent loss or injury if the order is not issued before the opposing party can be notified and heard and that he or she made a reasonable attempt to notify the opposing party of the time when the request would be made."³

Ms. Jackson must have standing to pursue an action or request relief from the Court.⁴ In a land dispute, parties must be an owner or have an interest in the disputed property. In this matter, Ms. Jackson states that the alleged injury is happening on her grandmother's, Ellen (Olive) Gray Leckner, property. She also produces a Saint Regis Mohawk Tribe Use and Occupancy Deed that demonstrates that the property belongs to Ms. Leckner. As Ms. Leckner is the owner of the property, and there is no evidence Ms. Jackson possesses an interest in the disputed property, Ms. Jackson does not possess the necessary standing to request relief from the Court.

¹ SRMT Land Laws and Land Dispute Ordinance § VI. A.

² SRMT Rules of Civil Procedure § XII [Rule 9] D.

³ SRMT Rules of Civil Procedure § XII [Rule 9] D.

⁴ Constance Tarbell v. Timothy Hillyard, 18-LND-00008, 1 (Oct. 9, 2018);

ORDER

The request for a Temporary Restraining Order is **DENIED**.

Signed this 11th day of October, 2019.



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.

Saint Regis Mohawk Tribal Court

Physical Address:

Tribal Justice Building
545 State Route 37
Akwesasne, NY 13655
Phone: (518) 358-6300
https://www.srmt-nsn.gov/tribal_court

Chief Judge Carrie E. Garrow
Associate Judge Barbára R. Potter
Associate Judge Patrick Solomon
Associate Judge Lisa Garabedian

VIA MAIL

Corleen Jackson
197 Saint Regis Road
Akwesasne, N.Y. 13655

October 16, 2019

Greetings/Sekon,

Please be advised that the attached decision in the matter of *19-LND-00008 Corleen Jackson v Nancy Oakes* was entered into the docket book on October 16, 2019 in accordance with the Saint Regis Mohawk Tribe Rules of Civil Procedure.

Respectfully/Skenna



Ms. Karen Connors-Oakes Court Clerk
Saint Regis Mohawk Tribal Court