

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

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<b>William Clute</b>	)	
	)	<b>Case No.: 21-LND-00001</b>
	)	
<b>Claimant</b>	)	
	)	
<b>v.</b>	)	<b>CEASE AND DESIST</b>
	)	<b>DECISION AND ORDER</b>
<b>Lorne Clute</b>	)	
	)	
<b>Respondent</b>	)	

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**Procedural Background**

On April 7, 2021, William Clute, Claimant, filed a land dispute complaint naming Lorne Clute as the Respondent.

On April 13, 2021, William Clute, Claimant, filed a request for a cease and desist alleging that Lorne Clute, Respondent, is driving his tractor and vehicles over the yard and causing damage to the disputed property.

On April 15, 2021, Lorne Clute, Respondent, filed a request for a cease and desist alleging that William Clute, Respondent was trespassing on his property by mowing and dumping debris.

On May 5, 2021, the Court held a hearing on the parties' motion for a cease and desist.

**Applicable Law**

The Saint Regis Mohawk Tribe Land Laws and Land Dispute Ordinance governs this matter.<sup>1</sup>

**Jurisdiction**

In order to address the instant case, the Court must first determine whether it possesses jurisdiction over the matter. In regards to the case at bar, the requests for cease and desists submitted by the parties demonstrate that the matter involves property within the Saint Regis Mohawk Indian Reservation. Pursuant to the Saint Regis Mohawk Tribe Land Laws and Land Dispute Ordinance (SRMT LL&LDO), the Court has jurisdiction over land disputes.<sup>2</sup> Thus, the Court assumes jurisdiction over the allegations raised in this case.

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<sup>1</sup> SRMT LL&LDO (enacted Dec. 21, 2016).

<sup>2</sup> SRMT LL&LDO § VI. A. 1.

### **Discussion**

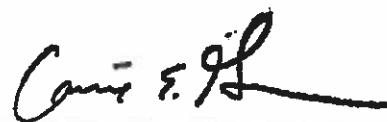
In this case, William Clute, Claimant, and Lorne Clute, Respondent, have both requested that cease and desists be issued against the other party. The parties base their requests on the alleged actions done by the other involving [REDACTED]. Essentially, the parties are asking for injunctive relief or in other words a pre-trial order prohibiting actions by another party until the Court has a chance to reach a final decision on Claimant's allegations raised in his land dispute complaint.

In another case, the Court noted that a property interest must be demonstrated in order to be granted this type of relief in regards to cases involving land.<sup>3</sup> On the record, William Clute, Claimant, acknowledged nor disputed that Lorne Clute, Respondent, is the owner of the property. Claimant may not obtain a cease and desist to halt actions on property that he does not own. As previously noted, Respondent alleges that Claimant was trespassing on his property by mowing and dumping debris. The Saint Regis Mohawk Tribe Rules of Civil Procedure state that injunctive relief shall be granted "if the person requesting it shows there is a good chance that he or she will win the suit and that he or she will suffer irreparable loss or injury if the injunction is not issued."<sup>4</sup> In this case, Claimant has demonstrated that he owns the property and the allegations raised demonstrate that he would suffer injury due to the fact that debris is being dumped on his property. Therefore, the Court grants Respondent's request. In closing, the Court notes that Respondent asked whether he could continue building a driveway on his property. The Court reminds the parties that they are not authorized to take actions that may disturb another landowner's property.

### **ORDER**

Based on the foregoing, it is **ORDERED, ADJUDGED AND DECREED** that William Clute, Claimant's, request for a Cease and Desist is **DENIED**; it is further **ORDERED, ADJUDGED AND DECREED** that Lorne Clute, Respondent's, request for a Cease and Desist is **GRANTED**; it is further **ORDERED, ADJUDGED AND DECREED** that William Clute, Claimant, including all persons who may be acting on his behalf, shall not enter onto the real property identified as [REDACTED] located on Pyke Road that is owned by Lorne Clute. This Order shall be in effect on this date and remain in effect until the resolution of this case and shall be enforced by the Saint Regis Mohawk Tribal Police.

Signed this 6<sup>th</sup> day of May, 2021.



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

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<sup>3</sup> Estate of Katie Herne Swamp, 17-CIV-00015/Andrew Glenn Lazore 17-CIV-00015 (August 31, 2017).

<sup>4</sup> SRMT Rules of Civil Procedure § XII. A.

***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. Due to the coronavirus pandemic, please consult the Administrative Orders found on the Court's webpage for information on how to submit a motion for reconsideration or appeal at this time.***