

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

Wade Mitchell)	
)	
Claimant)	Case. No.: 19-LND-00001
)	
v.)	INJUNCTION ORDER
)	
Ashlee Benedict-Hall)	
Respondent)	

Procedural Background

On January 4, 2019, Claimant, Wade Mitchell, filed a Land Dispute Complaint regarding [REDACTED] that included attached documentation with the Court naming Ashlee Benedict-Hall as the Respondent.

On February 4, 2019, Respondent, Ashlee Benedict-Hall, filed an Answer with the Court.

On March 5, 2019, Claimant, Wade Mitchell, filed a letter with the Court noting the SRMT Order of Exclusion against Sonia Boucher, Ashlee Benedict-Hall's mother, and provided a copy of the Order to the Court.

On March 6, 2019, the Court held an initial appearance on this matter. The Claimant, Wade Mitchell, was present and self-represented. The Respondent, Ashlee Benedict-Hall, failed to appear. On the same day, Claimant, Wade Mitchell, filed a document with the Court requesting a copy of the Respondent, Ashlee Benedict-Hall's Answer.

On April 5, 2019, the Court held a hearing on the cease and desist/injunction requested by the Claimant, Wade Mitchell. The Claimant was present and self-represented. The Respondent, Ashlee Benedict-Hall, failed to appear. The Court heard testimony and was provided evidence by the Claimant, Wade Mitchell. The Court accepted Exhibits #1 – 8 as evidence.

Analysis

At the hearing on April 5, 2019 the Claimant, Wade Mitchell, put forth a number of different arguments and provided evidence to substantiate those claims. However, for purposes of this Order, the Court only takes into account the relevant arguments pertaining to the Claimant's request for an injunction. The Saint Regis Mohawk Tribe Rules of Civil Procedure (SRMT Rules of Civil Procedure) state the following:

A party to a civil suit may ask the judge for a pretrial order (injunction) prohibiting or requiring particular action by another party to keep things as they are until the Court has a chance to reach a final decision in the case. The order shall be granted


if the person requesting it shows that 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.¹

In the instant matter, Wade Mitchell, Claimant, moves this Court to issue an injunction to stop any sale of the land by the Respondent and requests that all non-members cease from accessing the disputed property. In regards to assessing an individual's request for a preliminary injunction, the first part of the analysis requires the Court to determine whether the individual possesses the requisite standing.² In the instant case, the Claimant, Wade Mitchell, contends that he did not have the capacity to sell the land to the Respondent, Ashlee Benedict-Hall. Therefore, he is essentially contending that the transactional documents conveying [REDACTED] are null and void. Furthermore, the Claimant argued that the Respondent is not a blood descendant of Sarah Woods Laughing Cook; therefore, a provision found within the Saint Regis Mohawk Tribe Right to Use and Occupancy Deed between Carole (Lafrance) Ross and Martha (Montour) Lickers Administrators to the Estate of Sarah Woods Laughing Cook and Wade Mitchell was violated. The arguments put forth demonstrate that the crux of this case is based on the alleged 2012 transaction and whether the disputed properties were lawfully transferred. However, at this time, the Court is unable to determine whether the Claimant is the property owner. Thus, the Court denies the Claimant's request for an injunction. These issues will be addressed at the scheduled trial.

ORDER

Based on the foregoing, the Claimant, Wade Mitchell's, request for an injunction is **DENIED**. However, as noted above, the crux of the present land dispute centers on the alleged 2012 transaction and whether the disputed properties were lawfully transferred. The Claimant's arguments and evidence submitted call into question the transaction. There was testimony provided that the Respondent is involved in efforts to sell the disputed property. Therefore, the Court **ORDERS** that the Respondent and any agent acting on her behalf to **CEASE AND DESIST** from taking any actions to sell [REDACTED] and it is further **ORDERED** that the SRMT Tribal Clerk's Office **CEASE AND DESIST** from preparing and issuing any Saint Regis Mohawk Tribe Right to Use and Occupancy Deeds for [REDACTED]. The Claimant and Respondent are prohibited from changing, altering, selling, or destroying the real property in dispute.

Signed this 8th day of April, 2019.


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

¹ SRMT Rules of Civil Procedure § XII [Rule 9] A.

² See, e.g. Hathaway v. Thomas, 12-LND-00007 (July 18, 2014).