

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

Saint Regis Mohawk Tribe)	
)	
Plaintiff)	Case No.: 21-CIV-00018
)	
v.)	DECISION AND ORDER
)	
Keaton Thomas-Lazore,)	
Sasta Budz Dispensary)	
)	
Respondent(s))	
)	

Procedural Background

On November 15, 2021, the Saint Regis Mohawk Tribe, Plaintiff, filed a civil complaint with attached exhibits naming Keaton Thomas-Lazore and Sasta Budz Dispensary as Respondents.

On November 23, 2021, the Saint Regis Mohawk Tribe, Plaintiff, submitted proof that the civil complaint with attached exhibits was served on Cole Fitzgerald and Keaton Thomas-Lazore, Respondent.

On March 21, 2022, the Saint Regis Mohawk Tribe, Plaintiff, filed a motion for default judgment.

On April 25, 2022, the Court held a hearing on the matter. Russell Bar, Esq. appeared on behalf of the Saint Regis Mohawk Tribe, Plaintiff. Keaton Thomas-Lazore, Respondent, failed to appear.

On April 25, 2022 and April 26, 2022, the Saint Regis Mohawk Tribe, Plaintiff, filed proof that the motion for default judgment was served.

On June 10, 2022, the Court held a hearing on the Saint Regis Mohawk Tribe, Plaintiff's motion for default judgment. Russell Bar, Esq. appeared on behalf of the Saint Regis Mohawk Tribe, Plaintiff. Keaton Thomas-Lazore, Respondent, failed to appear.

Discussion

In this case, the Saint Regis Mohawk Tribe, Plaintiff, requests that the Court grant a default judgment due to Keaton Thomas-Lazore and Sasta Budz Dispensary, Respondents, failure to serve an answer on Plaintiff within twenty (20) days after the complaint was served. Thus, the only issue before the Court is whether default judgment is proper.

Analysis

The Saint Regis Mohawk Tribe Rules of Civil Procedure (SRMT Rules of Civil Procedure) states that “[f]ailure of a defendant to file and serve an answer upon the plaintiff within twenty (20) days after the complaint was served shall be in default and shall provide grounds for judgment against the defendant as asked for in the complaint. No judgment of default shall be made, however, unless the plaintiff makes a written motion for a default judgment and serves a copy of the motion on each defendant. If defendant files an answer to the complaint at or before the time that the motion is to be argued to the Judge, no default judgment shall be granted, and the matter shall proceed as though answered on time. If defendant does not answer by that time, a default judgment shall be entered.”¹

In regards to the case at bar, there is no documentation demonstrating that Keaton Thomas-Lazore and Sasta Budz, Respondents, served a copy of an answer on the Saint Regis Mohawk Tribe, Plaintiff’s, in response to Plaintiff’s written complaint. Furthermore, the Court has not received a copy of an answer. The record demonstrates that on March 24, 2022 Plaintiff served a copy of the default judgment on an individual at the Sasta Budz Dispensary located at 220 State Route 37, Akwesasne, New York, 13655 and that the individual also accepted service on behalf of Keaton Thomas-Lazore. In the Affidavit of Service, the process server noted that on March 24, 2022, the individual that accepted service stated that Keaton Thomas-Lazore, Respondent, was at the dispensary, but was “busy and would not accept service.”² As a result, the individual was served on Keaton Thomas-Lazore, Respondent’s, behalf.

The aforementioned section of the SRMT Rules of Civil Procedure requires that Plaintiff serves a copy of the motion on each defendant. In this case, the Affidavit of Service demonstrates that Plaintiff attempted to serve Keaton Thomas-Lazore, Respondent, but Respondent refused service. In this case, the Court finds that Plaintiff satisfied the service requirement under the circumstances. Moreover, the Court notes that Keaton Thomas-Lazore is aware of this case. The record demonstrates that he was personally served a copy of the complaint. The Court sent notice of the scheduled appearances. However, the notices were returned to the Court. It is the responsibility of the litigant to advise the Court of their mailing address. Thus, the Court holds that default judgment proper in this case.

The SRMT Rules of Civil Procedure state that “[i]n granting a default judgment, the Judge may refuse to grant relief requested by plaintiff if granting the relief would be contrary to Tribal law or would be unjust. The judge may not grant plaintiff greater relief on default than was requested in the complaint.”³

ORDER

Based on the foregoing, it is hereby **ORDERED, ADJUDGED AND DECREED** that the Saint Regis Mohawk Tribe, Plaintiff’s, Motion for Default Judgment is **GRANTED** and as

¹ SRMT Rules of Civil Procedure § XIII. A.

² The Court notes that the submitted Affidavit of Service is notarized.


³ SRMT Rules of Civil Procedure § XIII. B.

such the following is **ORDERED, ADJUDGED AND DECREED** in accordance with the relief and remedies sought by Plaintiff in its initial complaint filed November 15, 2021:

1. Keaton Thomas-Lazore and Sasta Budz Dispensary, Respondents along with their agents, successors, assigns, employees and all other persons known or unknown acting in concert, participation or cooperation therewith with the Respondents are in violation of tribal law, that the Cease-and-Desist Orders were served properly by hand upon Respondents, and that Keaton Thomas-Lazore is the operator of the Sasta Budz Dispensary, a business operating in violation of tribal law.
2. Keaton Thomas-Lazore and Sasta Budz Dispensary, Respondents, along with their agents, successors, assigns, employees, and all other persons known or unknown acting in concert, participation, or cooperation with Respondents are selling marijuana on the Saint Regis Mohawk Reservation.
3. Keaton Thomas-Lazore and Sasta Budz Dispensary, Respondents, along with their agents, successors, assigns, employees, and all other persons known or unknown acting in concert, participation, or cooperation with Respondents are operating Sasta Budz Dispensary in violation of Saint Regis Mohawk tribal law, the Adult Use Cannabis Ordinance.
4. Sasta Budz Dispensary, by its operations, is a public nuisance.
5. Keaton Thomas-Lazore and Sasta Budz Dispensary, Respondents, along with his agents, successors, assigns, employees, and all other persons known or unknown acting in concern, participation, or cooperation with Respondents must comply with the second Cease and Desist Order issued by the Compliance Department and tribal law.
6. An Order of Abatement is hereby issued ordering that Respondents, along with his agents, successors, assigns, employees, and all other persons known or unknown acting in concern, participation, or cooperation with Respondents must stop selling marijuana and marijuana products on the premises and Sasta Budz Dispensary must cease operating as a marijuana dispensary.
7. In accordance with Tribal Council Resolution (TCR) 2021-25, Keaton Thomas-Lazore and Sasta Budz Dispensary, Respondents, must pay the Saint Regis Mohawk Tribe, Plaintiff, \$362,000 (US) based on the fee schedule outlined in the TCR. Failure to comply, will result in additional fines as set out in TCR 2021-25.⁴

⁴ Tribal Council Resolution 2021-25 authorizes and delegates the authority to the Compliance Department to issue cease and desist orders, issue fines, and to suspend any tribal licenses issued to any person it finds in violation of tribal law and states that “[a]ny person or business engaged in sales or any commercial activity involving adult use marijuana prior to obtaining a tribal licenses shall be subject to a fine of one thousand dollars (\$1,000) per day, to be applied beginning seven (7) days after being served a cease and desist order and if it is determined by the

Signed this 21th day of June, 2022.



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.

Compliance Department that its cease and desist order has not been complied with." The record reflects that Elliott Lazore, Director of Compliance, sent a second Cease and Desist to Keaton Thomas-Lazore, Respondent, on June 24, 2021. The Cease and Desist notified Respondent that he will be subject to fines as outlined in TCR 2021-25. The record demonstrates that the second Cease and Desist was hand delivered to the dispensary on June 24, 2021. The Court's calculation takes into account the following dates based on TCR 2021-25 and Elliott Lazore, Director of Compliance, second Cease and Desist: July 1, 2021 – June 27, 2022 (date of issuance of this Decision and Order).