

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

Dwayne Lazore)	
)	Case No.: 19-CIV-00017
)	
Plaintiff)	
)	
v.)	DECISION AND ORDER
)	
Orestes Rios)	
)	
Respondent)	

Procedural Background

On October 22, 2019, Dwayne Lazore, Plaintiff, filed a civil complaint with the Court naming Orestes Rios as a Respondent.

On January 24, 2020, Dwayne Lazore, Plaintiff, submitted proof that Orestes Rios was personally served a copy of the civil complaint.

On January 28, 2020, Orestes Rios, Respondent, filed a motion to dismiss with the Court with a copy of the USPS tracking number document.

DISCUSSION

In the instant case, the Court has received Orestes Rios', Respondent, Motion to Dismiss with a copy of a USPS document indicating that a package was delivered to Hogansburg, New York. Prior to addressing the Motion to Dismiss or any other related issues in this matter, the Court must first evaluate whether Dwayne Lazore, Plaintiff, received adequate notice. Here, the submitted document indicates that there was a package delivered to Hogansburg, New York. It does not provide an address demonstrating where it was delivered. Based on the information provided, it is unclear whether the Plaintiff received the Motion to Dismiss. Therefore, the Court holds that Dwayne Lazore, Plaintiff, was afforded insufficient service. As a result, the Motion to Dismiss shall not be taken under consideration by the Court at this time. In order for the motion to be considered, Respondent must serve the Motion in a manner that demonstrates it was served upon the Plaintiff.

ORDER

Based on the foregoing, it is **ORDERED, ADJUDGED AND DECREED** that the Motion to Dismiss, dated January 28, 2020, was not adequately served upon Dwayne Lazore, Plaintiff.

Signed this 4th day of February, 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.



Entered into the docket book

On: February 5, 2020

Signed: Talawicki-Burns