

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

Saint Regis Mohawk Tribe)	
)	Case No.: 21-CIV-00011
Plaintiff)	
)	
v.)	DECISION AND ORDER
)	
Keaton Thomas-Lazore,)	
)	
Sasta Budz Dispensary)	
Respondent(s))	

Procedural Background

On July 1, 2021, the Saint Regis Mohawk Tribe, Plaintiff, filed an application for a temporary restraining order and preliminary and permanent injunction naming Keaton Thomas-Lazore and Sasta Budz Dispensary as the Respondents.¹

On July 7, 2021, the Court issued a Temporary Restraining Order against Keaton Thomas-Lazore and Sasta Budz Dispensary, Respondents. The documents filed by the Saint Regis Mohawk Tribe, Plaintiff, and a copy of the Temporary Restraining Order issued by the Tribal Court were served on Respondents on July 8, 2021.

On July 14, 2021, the Court held a hearing on the Saint Regis Mohawk Tribe’s request for a permanent injunction. Marsha Schmidt, Esq., appeared on behalf of the Saint Regis Mohawk Tribe. Keaton Thomas-Lazore, Respondent, failed to appear. Respondent was provided notice of the Court date.

On July 15, 2021, the Saint Regis Mohawk Tribe, Plaintiff, filed a motion to extend the Temporary Restraining Order.

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 matter involves a request for a permanent injunction against an individual and business alleged to be selling marijuana without obtaining a license pursuant to the recently enacted Tribal Adult Use Cannabis Ordinance and not adhering to the cease and desists issued by the Tribe’s Compliance Department. The Saint Regis Mohawk Tribe Civil Code (“SRMT Civil Code”) states that the Tribal Court “shall have civil jurisdiction over civil disputes over disputes arising in, connected with, or substantially

¹ The Court notes that the filing was date stamped at a later date by Court staff.

affecting Mohawk Indian Country.”² In this case, the matter involves alleged conduct that is occurring within the borders of the Saint Regis Mohawk Indian Reservation that is argued to substantially affect the Saint Regis Mohawk Tribe. Furthermore, TCR 2021-25 allows for the Court to assure compliance with the cease and desist orders issued by the Tribe’s Compliance Department.³ Attorney Schmidt argued that Respondents were not complying with the cease and desist orders. Thus, the Court possesses jurisdiction over this matter.

Discussion

In this case, the Saint Regis Mohawk Tribe, Plaintiff, moves for a permanent injunction against Keaton Thomas-Lazore and Sasta Budz Dispensary, Respondents. Plaintiff seeks an order from this Court to: (1) declare that Respondents are in violation of tribal law; (2) enforce the cease and desist orders issued by the Tribe; (3) issue a permanent injunction against Respondents to vacate and close the dispensary; and (4) issue an order requiring each Respondents to pay the fine with the amount to accumulate on a daily basis until the unlicensed operation is closed. For the following reasons, this Court denies Plaintiff’s motion for a permanent injunction.

In regards to this case, the Saint Regis Mohawk Tribe, Plaintiff, alleges that Keaton Thomas-Lazore, Respondent, is operating Sasta Budz Dispensary, an unlicensed marijuana business, and disregarded cease and desists issued by the Tribe’s Compliance Department. Thus, Plaintiff’s contend that Respondents are violating tribal law. Plaintiff also argues that the Tribe is being irreparably harmed because there are people “engaged in lawlessness and operating outside of tribal law.” Plaintiff points to the recently enacted SRMT Tribal Adult Use Cannabis Ordinance and DOJ guidance and policies on the enforcement of the Controlled Substance Act on tribal lands and the actions of the Respondents to demonstrate that Plaintiff has a good chance to win the suit. Based on the aforementioned, Plaintiff requests a permanent injunction ordering Respondents to close and vacate the dispensary and be ordered to pay fines.

The Saint Regis Mohawk Tribe Rules of Civil Procedure (“SRMT 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.”⁴ In its case, the Saint Regis Mohawk Tribe, Plaintiff, submitted arguments by written motion and its legal counsel submitted oral argument. The Court notes that Plaintiff offered no evidence in Court during the hearing. When asked if any of the product of the dispensary had undergone testing, Plaintiff’s legal counsel responded that it had not because of the circumstances. To demonstrate the difficult circumstances, Attorney Schmidt notified the Court that there have been difficulty serving Respondents. Plaintiff relies on Respondent’s own advertisements and statements.

² SRMT Civil Code § II. A.

³ TCR 2021-25 To Delegate Authority to the Tribe’s Compliance Department and Approve the Imposition of Fines and Penalties For the Unauthorized Sale of Adult-Use Marijuana (signed May 18, 2021).

⁴ SRMT Rules of Civil Procedure § XII. A.

In its relevant case law, this Court has demonstrated that the moving party carries the burden and must provide evidence proving that the moving party will suffer irreparable harm. In *William Clute v. Lorne Clute*, the parties both requested injunctive relief.⁵ In *Clute*, Respondent was granted the injunctive relief requested because he demonstrated through the evidence that he owned the land and testified of the actions by the Plaintiff.⁶ In that case, Respondent had witnessed the actions by the Plaintiff.⁷ In another case, a party petitioned the Court to halt the actions taking place on property he alleged to belong to an Estate.⁸ In that case, Plaintiff failed to name a Respondent and offered no evidence to demonstrate that there would be irreparable harm.⁹ As a result, the Court denied the request for injunctive relief. Moreover, in *Corleen Jackson v. Nancy Oakes*, the Court further demonstrated the need for the moving party to prove the alleged irreparable harm. In *Jackson*, Plaintiff argued that Respondent had personal property on her land and requested injunctive relief.¹⁰ In evaluating the Plaintiff's argument in *Jackson*, the Court noted that the Plaintiff failed to provide any evidence that the Respondent caused the gravel or backhoe at issue to be placed on the property and that injunctive relief could not be issued without some evidence that Respondent is responsible.¹¹

In reviewing the arguments submitted in this case, the Court finds that the Saint Regis Mohawk Tribe, Plaintiff, has not offered evidence demonstrating that it is likely to succeed on the merits because it has not shown that the Respondent in fact is selling marijuana and/or other marijuana products or even that Keaton Thomas Lazore, Respondent, is the owner of Sasta Budz Dispensary. The written submissions by Plaintiff demonstrate that the Tribe's Compliance Department identified Keaton Thomas Lazore, Respondent, as the owner of Sasta Budz Dispensary. However, Plaintiff, offered no evidence to demonstrate how the Compliance Department came to that conclusion or how that the Compliance Department determined that the Respondent is selling marijuana and/or marijuana products on the premises. Rather, Plaintiff requests that the Court accept the written and oral submissions of its legal counsel as fact and issue a permanent injunction and order Respondents to pay a substantial civil fine. There was no evidence submitted indicating that Attorney Schmidt was involved with the Compliance Department's processes. As this Court's case law demonstrates, injunctive relief is an extraordinary remedy and that requires that the moving party meet the standard set forth in the SRMT Rules of Civil Procedure. As set forth above, the Court holds that Plaintiff failed to demonstrate that it is entitled to such relief.

In this case, the Saint Regis Mohawk Tribe, Plaintiff, has submitted a request for this Court to extend its Temporary Restraining Order. The Temporary Restraining Order is set to expire on July 17, 2021. The SRMT Rules of Civil Procedure state that "[a] temporary restraining order may be renewed once and only for good cause."¹² Plaintiff argues that it is

⁵ *William Clute v. Lorne Clute*, 21-LND-00001 (May 6, 2021).

⁶ *Id.* at 2.

⁷ *Id.*

⁸ *Andrew Glenn Lazore*, 17-CIV-00015 (August 31, 2017).

⁹ *Id.* at 2.

¹⁰ *Corleen Jackson v. Nancy Oakes*, 19-LND-00008, 2 (Oct. 16, 2019).

¹¹ *Id.*

¹² SRMT Rules of Civil Procedure § XII. E.

unclear how the Court will rule on the request for a permanent injunction and that Keaton Thomas Lazore and Sasta Budz, Respondents, have ignored the cease and desists issued by the Compliance Department or complied with the Court's Temporary Restraining Order. Plaintiff argues that the extension may convince Respondents to comply. In this Decision and Order, the Court has determined that Plaintiff has failed to demonstrate that Keaton Thomas Lazore is in fact the owner of the dispensary or that marijuana and/or marijuana products are being sold at the dispensary. Moreover, Plaintiff has failed to provide good cause. Thus, the Court denies Plaintiff's request for an extension.

ORDER

Based on the foregoing, it is **ORDERED, ADJUDGED AND DECREED** that the Saint Regis Mohawk Tribe, Plaintiff, request for a permanent injunction and an extension of the Temporary Restraining Order issued on July 7, 2021 is **DENIED** and that the Temporary Restraining Order is terminated.

Signed this 16th day of July, 2021.



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. 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.



Saint Regis Mohawk Tribal Court

Physical Address:

Tribal Justice Building

882 State Route 37

Akwesasne, NY 13655

Website: https://www.srmt-nsn.gov/tribal_court

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

SENT VIA CERTIFIED MAIL

Sasta Budz Dispensary

220 State Route 37

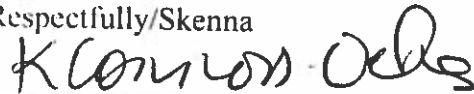
Akwesasne, N.Y. 13655

July 16, 2021

Greetings/Sekon,

Please be advised that the attached decision in the matter of 21-CIV-00011 SRMT v Keaton Thomas-Lazore & Satas Budz Dispensary was entered into the docket book on July 16, 2021 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

Saint Regis Mohawk Tribal Court

Physical Address:
Tribal Justice Building
882 State Route 37
Akwesasne, NY 13655
Phone: (518) 358-6300

Chief Judge Carrie E. Garrow
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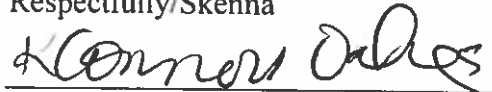
Keaton Thomas-Lazore
226 State Route 37
Akwesasne, N.Y. 13655

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Ms. Karen Connors-Oakes Court Clerk
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