



**SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY
COURT OF APPEALS**

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SALT RIVER TRIBAL COURT
FILED 2025 MAY 22 PM 10:02

MB

KELLY VILLAS,

Appellant,

-V-

NATHAN LUPE,

Appellee.

Case No.: AP-25-0004

Trial Court Case No. D-18-0034

ORDER DISMISSING APPEAL

Before Austin, Dworkin, and Guss, Justices.

This matter is presently before the court on the Second Motion to Extend Time to File Appellant's Principal Brief, submitted to the Court by Appellant Kelly Villa on May 16, 2025. The underlying appeal was filed March 27, 2025, in response to the trial court's March 17 oral order denying Villa's Motion to Set Aside Orders Re. Child Support, Spousal Support, and Division of Home. Villa's first Motion for Extension of Time to File Appellant's Opening Brief was granted because the trial judge had stated on the record that he intended to issue a written order. As the order had not yet been published or distributed, Appellant was given 21 days (as provided by court rules) following the filing of Judge Deer's written order to file her initial brief.

The current situation is different. Judge Deer has now issued a written decision on the Motion to Set Aside, dated March 17, 2025, and file-stamped in the Clerk's office on May 7th. That decision specifically states, "A child support modification hearing is set for May 19, 2025 at 10:00 a.m." (This court has since learned that the hearing has been moved to June 26th.)

Article V, Rule 2(a) of the Community Code of Ordinances permits the filing of an appeal by "any party aggrieved by the ... final judgment in a civil action..." Judge Deer's March 17/May 7 "Order Child Support Modification Hearing" is not a final judgment. Further action is clearly pending and set for a hearing next month. The

language of Rule 2(b) of the above Code section specifically notes that the rules are intended to avoid piecemeal litigation. In certain circumstances the rules permit special action appeals of non-final decisions, but those circumstances do not pertain in this case.

We have noted before, in the case of Thomas v. Lopez, AP-23-3002/3003 that this court lacks jurisdiction to hear interlocutory appeals. That holding applies equally to this case.

Therefore, the court orders that the current appeal is **DISMISSED**.

The Second Motion to Extend Time to File Appellant's Principal Brief is therefore moot and will not be decided by the court.

ISSUED this 22nd day of May, 2025.



Electronically approved 05/22/2025

/s/ Judith M. Dworkin

Judith M. Dworkin, **Justice**

Electronically approved 05/22/2025

/s/ Joseph K. Austin

Joseph K. Austin, **Justice**

Electronically approved 05/22/2025

/s/ Mary Guss

Mary Guss, **Justice**