

RECEIVED
NOOKSACK COURT CLERK

NOV 4 2013

FILED BY

B. J. [Signature]

IN THE NOOKSACK TRIBAL COURT OF APPEALS
NOOKSACK INDIAN TRIBE
DEMING, WASHINGTON

MICHELLE JOAN ROBERTS, et. al.,

Plaintiffs/Appellants,

v.

ROBERT KELLY, e. al.,

Defendants/Appellees.

NO. 2013-CI-APL-003

**ORDER ON MOTION FOR
PERMISSION TO FILE APPEAL AND
CASE MANAGEMENT AND
SCHEDULING ORDER**

This Court has received Appellants' Notice of Appeal from the the Nooksack Tribal Court's October 17, 2013 order dismissing the case. Under Nooksack Tribal Code (NTC) 80.03.010, an aggrieved party may seek appellate review of a final order or judgment by filing a Notice of Appeal within 14 days from the trial court's decision. NTC 80.04.010. The Notice of Appeal must name the parties; state the case number, date and nature of the decision appealed from; specify those parts of the decision the party wants reviewed; and list the each error of fact, law or procedure and its effect on the outcome of the case. NTC 80.04.030. The Chief Judge of the Court of Appeals is required to review the record and if the party initiating an appeal substantially complies with the above procedures the Chief Judge "shall" accept the appeal on behalf of the Court of Appeals. NTC 80.05.010.

The trial court's decision dismissing Appellants' complaint is a final judgment. The Appellants have substantially complied with the procedural requirements for initiating an appeal.

This Court recognizes the commonality of issues in this case and *Lomeli v. Kelly* (Cause No. 2013-CI-CL-001; 2013-CI-APL-002). Argument in *Lomeli* appeal is scheduled for November 25, 2013. It is likely our decision in *Lomeli* will address those common issues

Therefore, we find there is good cause to limit the number of pages in the opening and response briefs to 15,00 words, and Appellant's reply brief, if one is filed, to 7,500 words.

IT IS ORDERED

The appeal from the trial court's October 17, 2013 order is hereby accepted.

Pursuant to NTC 80.08.080, the Court of Appeals will review this matter as follows:

Appellants' opening brief and certification¹ of service shall be filed no later than 20 days from that date the Nooksack Court Clerk certifies the docket.

Appellees' response brief and certification of service shall be filed no later than 20 days from the date Appellant's brief is served.

Appellants' may file a reply to Appellee's response brief no later than 10 days from the date the Appellee's response brief is served.

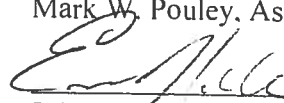
The parties will be notified by separate order of the date and time for oral argument.

The parties shall also adhere to the following instructions:

1. The parties shall not attach any excerpts or exhibits from the record to any brief. Instead, any reference to the record shall cite the pleading number as shown on the trial court case docket (using "CP" for Clerk's Papers); the name of the pleading or document or an appropriately shortened form thereof; and the relevant page number(s) and line numbers (if such exist) where the referenced material appears.²
2. The parties shall not submit copies of any court decisions with their briefs unless a decision cannot be found in the appellate reporters of the Northwest Intertribal Court System, Westlaw, Lexis, the Indian Law Reporter, or some other recognized legal publisher.
3. The Court of Appeals' review will be limited to the assignments of error set forth in Appellants' Notice of Appeal.

It is so ordered this 31 day of October, 2013, for the panel:

Douglas Nash, Associate Judge,
Mark W. Pouley, Associate Judge.


Eric Nielsen, Chief Judge

¹ The Court will accept a declaration in lieu of an affidavit wherever the code requires an affidavit of service.

² The one exception to this provision is that a document or exhibit may be attached to a brief if it is part of the trial court record but is not reflected in the docket or clerk's papers.