

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

ELEANOR J. BELMONT et al.,

Plaintiff-Appellees,

v.

**ROBERT KELLY, Chairman of the
Nooksack Tribal Council, et al.,**

Defendant-Appellants.

2014-CI-APL-003

**ORDER DENYING PERMISSION FOR
INTERLOCUTORY APPEAL**

This matter comes before the Court of Appeals pursuant to the Notice for Permission to File an Interlocutory Appeal filed by Defendants, the would-be Appellants, on June 26, 2014. Defendants seek to appeal the Decision and Order Granting Plaintiffs' Motion for Preliminary Injunction entered by the trial court on June 12, 2014.

The June 12 Decision grants the principle relief requested in the complaint and makes no reference to further proceedings. In that respect the trial court's June 12 Decision appears to be a final decision appealable under NTC 80.03.010. This Court is uncertain what, if anything, remains to be litigated at the trial court.¹ Nonetheless, the Decision by its own terms states that the injunction is only preliminary, is issued at a preliminary "stage," and that the court's analysis applies solely to "preliminary" facts set out by the parties (Decision, n.5). Most significantly, Defendants do not characterize the Decision as a final appealable order, or argue that the Decision disposes of all the issues in the case. Therefore, we review Defendants' Notice as presented, which is as a request for permission to file an interlocutory appeal.

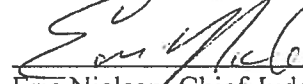
As Defendants note, under NTC 80.03.020, this Court must make a threshold determination that the trial court has committed an "obvious" error in order to grant permission to file an interlocutory appeal. With such clear statutory guidance, we need not rehash the many policy and jurisprudential reasons interlocutory appeals are disfavored, or cite to the many cases holding such. Without deciding whether the trial court erred, we are not persuaded that the trial court committed "obvious" error. The significant issues presented by this case are deserving of the development of a complete evidentiary record and a final order by the trial court based on that record. Accordingly, Defendants' request for permission to file an interlocutory appeal is denied.

¹ The Court of Appeals acknowledges it has not reviewed the full record at this time. Pursuant to NTC 80.07.010, the trial court clerk need not transmit the record to the Court of Appeals until after the Court has decided to accept an appeal.

It is so ordered, this 11 day of July, for the panel,

Douglas Nash, Associate Judge

Mark W. Pouley, Associate Judge

A handwritten signature in cursive script, appearing to read "Eric Nielsen", written over a horizontal line.

Eric Nielsen, Chief Judge