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6 **Attorney for Appellant**

7 **IN THE COURT OF APPEALS**

8 **FOR THE PASCUA YAQUI NATION**

9
10 Rebecca Matus,

11 Appellant,

12 vs.

13 Pascua Yaqui Tribe,

14 Appellee.

Case No. CA-08-012

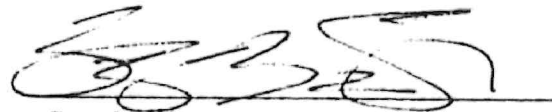
15 **MOTION TO SET BRIEFING
16 SCHEDULE AND POST RECORD**

17 Rebecca Matus (“Appellant”), by and through her undersigned counsel, hereby
18 requests the Court to set briefing for Appellants Opening Brief and post the trial court
19 record. On February 6, 2008 Manuel Pesquiera filed an appeal of an order issued in trial
20 court case number CR 07-356 (“Trial Case”) on January 29, 2008; this case was
21 designated Appeals Case number CA 08-007 (“Pesquiera Appeal”). Appellant filed her
22 Notice of Appeal on May 23, 2008 of the order issued April 28, 2008 in the Trial Case
23 (“Matus Appeal”). While these appeals relate to the same underlying Trial Case, they are
24 based on entirely different claims and orders. The Trial Case Record was filed in the
25 Pesquiera Appeal on June 2, 2008.
26

1 3 PYTRAP 9(A)(2) requires that “The trial court clerk shall serve a copy of the
2 index upon all parties to the appeal.” The Trial Case Record was not posted in the Matus
3 Appeal, nor were copies served on Matus or her counsel. After multiple inquiries to the
4 trial court, on November 5, 2008 Appellant was finally given verbal notice that the Trial
5 Case Record was posted in the Pesquiera Appeal.
6

7 Based on the foregoing, Appellant requests that the Trial Case Record be posted in
8 the Matus Appeal and deemed received as of November 14, 2008 and the deadline for
9 Appellant’s Opening Brief be set for December 16, 2008.
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11 **Respectfully Submitted this 13th day of November 2008.**

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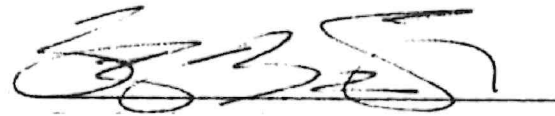
14 Stephanie A. Lucero
15 Counsel for Appellant
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CERTIFICATE OF SERVICE

I, Stephanie A. Lucero, hereby certify that a copy of the foregoing document was sent, this 13th day of November 2008, to:

Office of the Prosecutor, Pascua Yaqui Tribe
Court of Appeals, Pascua Yaqui Tribe



Stephanie A. Lucero
Counsel for Appellant