

Mar 24, 2010

ISSUED
CLERK OF COURT

CA-09-010; CA-09-011

Pascua Yaqui Tribe Court of Appeals

Rachel Mendibles, and
Robert Herrera, Appellants

v.

Armando Yrigolla, III, Appellee

ORDER

Appeal from decisions of the Pascua Yaqui Tribal Court in Cases No. CV-09-112 and CV-09-113, the Honorable Melvin Stoof presiding.

Fredric Brahms, Esq., PO Box 65493, Tucson, AZ 85728, for Appellants Rachel Mendibles and Robert Herrera.

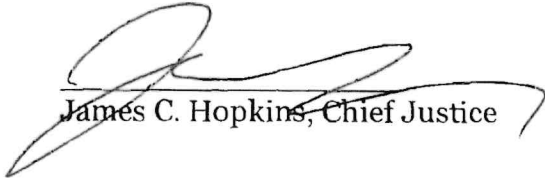
Armando Yrigolla, III, *pro se*, 5081 Vai Sevoi, Tucson, AZ 85757, Appellee.

On February 16, 2010, Appellants, through counsel, filed a Notice of Withdrawal of their Appeal.

Appellee has not objected to the Notice of Withdrawal.

Accordingly, this court finds that Appellant's Withdrawal is granted and these cases are dismissed.

So ORDERED this 2nd day of March, 2010.


James C. Hopkins, Chief Justice

Feb 16, 2010

RECEIVED
CLERK OF COURT

1 FREDRIC BRAHMS, J.D.
2 P.O. Box 65493
3 Tucson, AZ 85728
4 Telephone: 520-495-0168

5 PYTN: 10018
6 Attorney for Respondent

7
8 **IN THE PASCUA YAQUI TRIBE**
9 **COURT OF APPEALS**
10

11 ARMANDO YRIGOLLA, III,

12 Plaintiff,

13 vs.

14 ROBERT HERRERA,

15 Respondent.

16 ARMANDO YRIGOLLA, III,

17 Plaintiff,

18 vs.

19 RACHEL MENDIBLES,

20 Respondent.

CA-09-010; CA-09-011
Case NOS.: CV09-112; CV09-113

NOTICE OF WITHDRAWAL OF APPEAL

21 **COME NOW** Respondents, ROBERT HERRERA and RACHEL MENDIBLES, by
22 and through undersigned counsel, Fredric Brahms, and hereby submit a Notice
23 of Withdrawal of their Appeals of the Default Permanent Injunction Order
24 entered on May 27, 2009 in the above-entitled matters.

25 **RESPECTFULLY SUBMITTED** this 16th day of February, 2010.

26 
27 FREDRIC BRAHMS, J.D.
28 ATTORNEY FOR RESPONDENT

A copy of the foregoing mailed/delivered
on this ___ day of February, 2010, to:

Armando Yrigolla, III

1 FREDRIC BRAHMS, J.D.
P.O. Box 65493
2 Tucson, AZ 85728
Telephone: 520-495-0168

3
4 PYTN: 10018
Attorney for Respondent

5 **IN THE PASCUA YAQUI TRIBE**
6 **COURT OF APPEALS**

8 ARMANDO YRIGOLLA, III,
9 Plaintiff,
10 vs.

11 ROBERT HERRERA,
12 Respondent.

13 ARMANDO YRIGOLLA, III,
14 Plaintiff,
15 vs.

16 RACHEL MENDIBLES,
17 Respondent.

CA-09-010; CA-09-011
Case NOS.: CV09-112; CV09-113

NOTICE OF WITHDRAWAL OF APPEAL

18 **COME NOW** Respondents, ROBERT HERRERA and RACHEL MENDIBLES, by
19 and through undersigned counsel, Fredric Brahms, and hereby submit a Notice
20 of Withdrawal of their Appeals of the Default Permanent Injunction Order
21 entered on May 27, 2009 in the above-entitled matters.

22 **RESPECTFULLY SUBMITTED** this 16th day of February, 2010.

23
24
25 
26 FREDRIC BRAHMS, J.D.
27 ATTORNEY FOR RESPONDENT

28 *A copy of the foregoing mailed/delivered
on this ___ day of February, 2010, to:*

Armando Yrigolla, III



CA-09-010; CA-09-011

Pascua Yaqui Tribe Court of Appeals

Rachel Mendibles, and
Robert Herrera, Appellants

v.

Armando Yrigolla, III, Appellee

ORDER

Appeal from decisions of the Pascua Yaqui Tribal Court in Cases No. CV-09-112 and CV-09-113, the Honorable Melvin Stoof presiding.

Fredric Brahms, Esq., PO Box 65493, Tucson, AZ 85728, for Appellants Rachel Mendibles and Robert Herrera.

Armando Yrigolla, III, *pro se*, 5081 Vai Sevoi, Tucson, AZ 85757, Appellee.

On December 15, 2009, Appellant filed its Second Motion for Extension of Time to file Appellant's Opening Brief, requesting an additional forty-five (45) to sixty (60) days to prepare.

Appellee has not objected to Appellant's Second Motion for Extension.

Appellant's Brief was initially due on August 28, 2009. However, the Appellant was not served with the record and Rule 10 Notice immediately and was subsequently granted an Extension of Time until December 17.

In his Motion for a 2nd Extension of Time, counsel for Appellant claims that he requires additional time to review the trial court recordings prior to submitting his Opening Brief because the recordings were sent to him by electronic mail on Nov 13, 2009, but counsel for Appellant did not notice them until a week later on Nov 17, 2009.

While the court is inclined to grant another extension in order to allow for proper briefing of the case, the court also wants to remind counsel for Appellant(s) that

electronic mail is an official means of communication and counsel for the Appellant(s) has a duty to check his email account on a regular basis.

Additionally, the Chief Justice, having reviewed the record on appeal, finds that both of the above named and numbered cases concern the same basic facts and issues and, in the interest of judicial economy, merit consolidation.

These cases are hereby consolidated and Appellant is granted a twenty (20) day extension of time. Appellant's Opening Brief is now due on or before February 15, 2010.

So ORDERED this 26th day of January, 2010.



James C. Hopkins, Chief Justice

Dec 15, 2009

RECEIVED
CLERK OF COURT

1 FREDRIC BRAHMS, J.D.
2 P.O. Box 65493
3 Tucson, AZ 85728
4 Telephone: 520-449-1571
5 Fax: 520-445-8008

6 PYTN: 10018
7 Attorney for Respondent

8
9 **IN THE PASCUA YAQUI TRIBE**
10 **COURT OF APPEALS**
11

12 ARMANDO YRIGOLLA, III,

13 Plaintiff,

14 vs.

15 ROBERT HERRERA and RACHEL
16 MENDIBLES

17 Respondent.

18 Case NO.: CA-09-010
19 RE: CV-09-112 and CV-09-113

20 **MOTION FOR EXTENSION OF TIME TO**
21 **FILE OPENING BRIEF**

22 COME NOW Respondents, ROBERT HERRERA, and RACHEL MENDIBLES, by
23 and through undersigned counsel, Fredric Brahms, and hereby request a 45-60
24 day extension to file THEIR Opening Brief, presently due on December 17, 2009.
25 On Friday November 13, 2009, counsel received approximately five (5) e-mails
26 from Ben Casey consisting of audio recordings of proceedings, previously
27 requested by counsel. In those requests, counsel had mailed blank discs under
28 cover letter for copying the proceedings. These e-mails were not opened until
the following Tuesday, November 17, 2009. Since then, counsel has not had the
opportunity to review all of the audio recordings, download same to discs and
determine what portions, if any, of such proceedings should be transcribed and
submitted to the Court to supplement the record on appeal.

Based on the foregoing, Defendant submits there is good cause to grant a
further extension of 45-60 days to file the Opening Brief in order to review, analyze
and transcribe relevant portions of the aforementioned recorded proceedings.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESPECTFULLY SUBMITTED this 15th day of December, 2009.


FREDRIC BRAHMS, J.D.
ATTORNEY FOR RESPONDENTS

*A copy of the foregoing mailed/delivered
on this 15th day of December, 2009, to:*

Armando Yrigolla, III

Oct 27, 2009

CLERK OF COURT
ISSUED

No. CA-09-010

Pascua Yaqui Tribe Court of Appeals

Robert Herrera, Appellant

v.

Armando Yrigolla, III, Appellee

ORDER

Appeal of a decision of the Pascua Yaqui Trial Court in Case No. CV 09-112, the Honorable Melvin Stoof presiding.

Fredric Brahms, Esq., P.O. Box 65493, Tucson, AZ, 85728 for the Appellant.

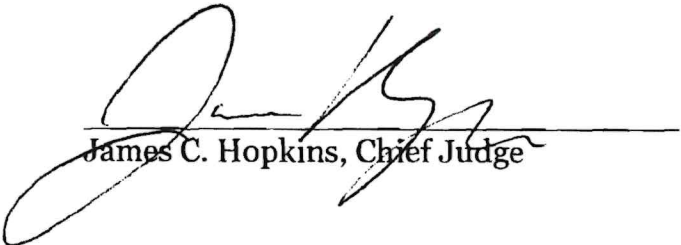
Armando Yrigolla, III, pro se, 5081 Vai Sevoi, Tucson, AZ, 85757, Appellee.

On October 2, 2009, Appellant filed a Motion for Extension of Time to file Appellant's Opening Brief, requesting an additional sixty (60) days to prepare based on a deficiency in service of the record.

Appellee has not objected to Appellant's Motion for Extension.

Accordingly, for good cause shown, the court now orders that the Motion for Extension be granted and Appellant file its Opening Brief with this Court no later than 5:00 p.m. on December 17, 2009.

So ORDERED this 27th day of October, 2009.


James C. Hopkins, Chief Judge

1 FREDRIC BRAHMS, J.D.
2 P.O. Box 65493
3 Tucson, AZ 85728-5493
4 Telephone: 520-449-1571

5 PYTN: 10018
6 Attorney for Respondent

7
8 **IN THE PASCUA YAQUI TRIBE**
9 **COURT OF APPEALS**

10 ARMANDO YRIGOLLA, III,

11 Plaintiff,

12 vs.

13 RACHEL MENDIBLES,

14 Respondent.

Case NO.: CV09-113

**REQUEST FOR EXTENSION OF TIME TO
FILE OPENING BRIEF**

15 COMES NOW Respondent, RACHEL MENDIBLES, by and through
16 undersigned counsel, Fredric Brahms, pursuant to 3PYTRAP Rule 5(B), and hereby
17 requests a sixty(60) day extension of time to and including December 1, 2009 to
18 file her opening brief in the above-entitled matter.

19 **RESPECTFULLY SUBMITTED** this 1st day of October , 2009.

20 
21 FREDRIC BRAHMS, J.D.
22 ATTORNEY FOR RESPONDENT

23 *A copy of the foregoing mailed/delivered*
24 *on this 1st day of October, 2009, to:*

25 Armando Yrigolla, III
26
27
28

1 FREDRIC BRAHMS, J.D.
2 P.O. Box 65493
3 Tucson, AZ 85728-5493
4 Telephone: 520-449-1571

5 PYTN: 10018
6 Attorney for Respondent

7
8 **IN THE PASCUA YAQUI TRIBE**
9 **COURT OF APPEALS**
10

11 ARMANDO YRIGOLLA, III,
12 Plaintiff,
13 vs.
14 RACHEL MENDIBLES,
15 Respondent.

16 Case NO.: CV09-113

17 **REQUEST FOR PREPARATION OF**
18 **TRANSCRIPT**

19 COMES NOW Respondent, RACHEL MENDIBLES, by and through
20 undersigned counsel, Fredric Brahms, and hereby requests the preparation of
21 the transcript for the hearing on the Default Permanent Injunction Order entered
22 on May 27, 2009 in the above-entitled matter.

23 **RESPECTFULLY SUBMITTED** this 1st day of October , 2009.

24 
25 FREDRIC BRAHMS, J.D.
26 ATTORNEY FOR RESPONDENT

27 A copy of the foregoing mailed/delivered
28 on this 1st day of October, 2009, to:

Armando Yrigolla, III

1 FREDRIC BRAHMS, J.D.
2 P.O. Box 65493
3 Tucson, AZ 85728-5493
4 Telephone: 520-449-1571

5 PYTN: 10018
6 Attorney for Respondent

7
8 **IN THE PASCUA YAQUI TRIBE**
9 **COURT OF APPEALS**
10

11 ARMANDO YRIGOLLA, III,
12 Plaintiff,
13 vs.
14 ROBERT HERRERA,
15 Respondent.

16 Case NO.: CV09-112

17 **REQUEST FOR PREPARATION OF**
18 **TRANSCRIPT**

19 COMES NOW Respondent, ROBERT HERRERA, by and through undersigned
20 counsel, Fredric Brahms, and hereby requests the preparation of the transcript
21 for the hearing on the Default Permanent Injunction Order entered on May 27,
22 2009 in the above-entitled matter.

23 **RESPECTFULLY SUBMITTED** this 1st day of October , 2009.

24 
25 FREDRIC BRAHMS, J.D.
26 ATTORNEY FOR RESPONDENT

27 A copy of the foregoing mailed/delivered
28 on this 1st day of October, 2009, to:

Armando Yrigolla, III

1 FREDRIC BRAHMS, J.D.
2 P.O. Box 65493
3 Tucson, AZ 85728-5493
4 Telephone: 520-449-1571

5 PYTN: 10018
6 Attorney for Respondent

7
8 **IN THE PASCUA YAQUI TRIBE**
9 **COURT OF APPEALS**

10 ARMANDO YRIGOLLA, III,
11 Plaintiff,
12 vs.
13 ROBERT HERERRA,
14 Respondent.

Case NO.: CV09-112

**REQUEST FOR EXTENSION OF TIME TO
FILE OPENING BRIEF**

15 **COMES NOW** Respondent, ROBERT HERERRA, by and through undersigned
16 counsel, Fredric Brahms, pursuant to 3 PYTRAP Rule 5 (B), and hereby requests a
17 sixty(60) day extension of time from the date of this request to file his opening brief
18 in the above-entitled matter. Defendant submits that he has not been formally,
19 and properly, served with the record on appeal in this matter. (Rule 4 (B). On or
20 about July 24, 2009, counsel apparently received the index of the record only by
21 e-mail. It was not formally served. Unfortunately, counsel only recently learned of
22 the existence of the e-mail, which was inadvertently deleted by counsel.

23 **RESPECTFULLY SUBMITTED** this 1st day of October , 2009.

24
25 *A copy of the foregoing mailed/delivered*
26 *on this 1st day of October, 2009, to:*
27 Armando Yrigolla, III

28

FREDRIC BRAHMS, COUNSEL FOR
RESPONDENT

1 FREDRIC BRAHMS, ESQ.
2 210 W. Roger Rd., #10
3 Tucson, AZ 85705
4 Telephone: 520-887-5441
5 SBN(CA): 110240(Inactive)
6 PYTN: 10018

7 Attorney for Respondent

8
9 **IN THE PASCUA YAQUI TRIBE**
10 **COURT OF APPEALS**
11

12 ARMANDO YRIGOLLA, III,
13 Plaintiff,
14 vs.
15 ROBERT HERRERA,
16 Respondent.

17 Case NO.: CV09-112

18 **NOTICE OF SUBMISSION OF COPY OF**
19 **JUDGMENT**

20 COMES NOW Respondent, ROBERT HERRERA, by and through undersigned
21 counsel, Fredric Brahms, and hereby submits a copy of the Default Permanent
22 Injunction Order entered on May 27, 2009 in the above-entitled matter.

23 **RESPECTFULLY SUBMITTED** this 2nd day of July, 2009.

24 
25 _____
26 FREDRIC BRAHMS, ESQ.
27 ATTORNEY FOR RESPONDENT

28 A copy of the foregoing mailed/delivered
on this 2 day of July, 2009, to:

Armando Yrigolla, III

FREDRIC BRAHMS, J.D.
210 W. Roger Rd., #10
Tucson, AZ 85705
Telephone: 520-887-5441

PYTN: 10018
Attorney for Respondent

**IN THE PASCUA YAQUI TRIBE
COURT OF APPEALS**

ARMANDO YRIGOLLA, III,)
Plaintiff,)
vs.)
ROBERT HERRERA,)
Respondent.)

Case NO.: CV09-112

NOTICE OF APPEAL

COMES NOW Respondent, ROBERT HERRERA, by and through undersigned counsel, Fredric Brahms, and hereby submits a Notice of Appeal of the Default Permanent Injunction Order entered on May 27, 2009 in the above-entitled matter.

RESPECTFULLY SUBMITTED this 26th day of June, 2009.



FREDRIC BRAHMS, J.D.
ATTORNEY FOR RESPONDENT

*A copy of the foregoing mailed/delivered
on this 26th day of June, 2009, to:*

Armando Yrigolla, III