

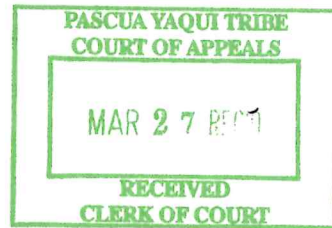
1 Fredric J. Brahms, J.D.
2 P.O. Box 65493
3 Tucson, AZ 85728
4 (520)304-3111
E-mail: fjbrahms@yahoo.com
Lay Advocate for Appellant

5 **IN THE PASCUA YAQUI TRIBAL COURT OF APPEALS**
6 **IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION**

7 CHARLIE RENDON,)	Case No. CA-13-002
8 Appellant,)	Tribal Court Case No.: CV-12-067
9 vs.)	NOTICE OF WITHDRAWAL OF LAY
10 HONORABLE MELVIN STOOF, PASCUA)	ADVOCATE FOR APPELLANT
11 YAQUI TRIBAL COURT; and)	
12 Real Parties in Interest:)	
13 ALICE MULLIS; and AMTS JANITORIAL)	
14 AND CONSTRUCTION,)	
15 Appellees.)	

16
17 **COMES NOW**, Fredric J Brahms, J.D., Lay Advocate for Appellant, Charlie Rendon
18 and hereby files a Notice of Withdrawal as Advocate for Appellant in his appeal in this matter.
19 Undersigned filed the Notice of Appeal and other documents in order to preserve Mr. Rendon's
20 right to appeal the Pascua Yaqui Trial Court's decision in CV-12-067. Mr. Rendon is now
21 proceeding *Pro se* in all respects, including being responsible for filing the transcript of the
22 February 22, 2013 hearing. Undersigned was unable to reach an accord with Appellant to
23 continue to represent him in this matter. Appellant's last known mailing address and other
24 contact information are as follows: 4225 W. Teton, Tucson, Arizona 85746; Cell: (520) 338-
25 0231; and E-mail: skippnercrew@hotmail.com.

26 //
27 //
28 //



1 Fredric J. Brahms, J.D.
2 c/o John Augustine, DVM
3 507 E. Drachman
4 Tucson, Arizona 85705
5 (520)304-3111

6 Lay Advocate for Appellant

7 **IN THE PASCUA YAQUI COURT OF APPEALS**
8 **IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION**

9 CHARLIE RENDON,
10 Appellant,

11 vs.

12 HONORABLE MELVIN R. STOOF, JUDGE
13 PASCUA YAQUI TRIBAL COURT; and

14 Real Parties in Interest:

15 ALICE MULLIS; and AMTS JANITORIAL
16 AND CONSTRUCTION,
17 Appellants.


) Court of Appeals Case No.

) Tribal Court Case No.: CV-12-067

) **NOTICE OF ARRANGEMENT FOR**
) **TRANSCRIPTION OF HEARING**

18 **COMES NOW**, Appellant, Charlie Rendon, by and through Fredric J. Brahms, J.D., Lay
19 Advocate for Appellant, and pursuant to 3PYTC § 2-3-110(F)(1) and (4) hereby notifies the
20 Court of Appellant's arrangements with Fink & Associates for the preparation of an original and
21 one copy of the transcription of the audio taping of the February 22, 2013 hearing in CV-12-067.
22 The transcription will cost \$4.00 per page and is payable prior to delivery of the transcript to
23 Appellant.

24 **DATED** this 27th day of March, 2013.

25
26 
27 Fredric J. Brahms, J.D., Lay Advocate
28 for Appellant, Charlie Rendon

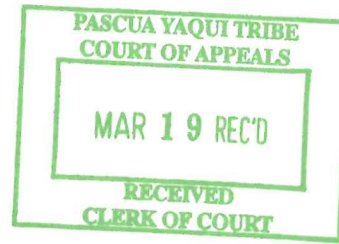
1 Copy of the foregoing mailed/delivered
2 this 27th day of March, 2013 to:

3 Pascua Yaqui Tribal Court
4 4781 W. Calle Torim
5 Tucson, AZ 85757

6 Frederick Lomayesva, Esq.
7 P.O. Box 41808
8 Tucson, AZ 85717

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Fredric J. Brahms, J.D.
2 P.O. Box 65493
3 Tucson, AZ 85728
4 (520)304-3111
5 fjbrahms@yahoo.com
6 Lay Advocate for Appellant
7 Charlie Rendon



5 **IN THE PASCUA YAQUI COURT OF APPEALS**
6 **IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION**

7 CHARLIE RENDON,

8 Appellant,

9 vs.

10 HONORABLE MELVIN R. STOOFF, JUDGE
11 PASCUA YAQUI TRIBAL COURT; and

12 Real Parties in Interest:

13 ALICE MULLIS; and AMTS JANITORIAL
14 AND CONSTRUCTION,

15 Appellees.

) Court of Appeals Case No.

) Tribal Court Case No.: CV-12-067

) **NOTICE OF APPEAL**


16 _____
17
18 **COMES NOW**, Appellant, Charlie Rendon, by and through Lay Advocate, Fredric J
19 Brahms, J.D., and hereby files a Notice of Appeal of the Pascua Yaqui Tribal Court's decision in
20 CV-12-067 in several respects including the following: 1) The Trial Court's denial of
21 Appellant's February 19, 2013 motion to continue trial and request for an extension of time to
22 respond to defendant's pretrial motions(which was verbally denied by the Hon. Melvin R. Stoof
23 on February 20, 2013, without any subsequent written order signed by the trial judge); and 2)
24 The Trial Court's dismissal with prejudice of plaintiff's action(See attached February 22, 2013
25 Order of Dismissal with Prejudice).

26 //

27 //

28 //

1 **RESPECTFULLY SUBMITTED** this 19th day of March, 2013.
2
3

4
5
6 
7 Fredric J. Brahms, J.D., Lay Advocate
 for Appellant, Charlie Rendon

8 Copy of the foregoing delivered/mailed
9 this 19th day of March, 2013 to:

10 Pascua Yaqui Tribal Court
11 4781 W. Calle Torim
 Tucson, AZ 85757

12 Frederick Lomayesva, Esq.
13 P.O. Box 41808
14 Tucson, AZ 85717
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 IN THE PASCUA YAQUI TRIBAL COURT

2 IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

3
4 CHARLIE RENDON,)
Plaintiff,) Case No. CV-12-067
5 VS.)
6 ALICE MULLIS, AND AMTS) ORDER OF DISMISSAL
CONSTRUCTION,) WITH PREJUDICE
7 Respondent.)
8

9 On February 22, 2013, this matter came before the court for a pre-trial motion hearing
10 and for a scheduled bench trial. The plaintiff appeared with his counsel, Fredric J. Brahms and
11 Rachel Rico, and the respondent appeared with her counsel, Frederick Lomayesva.

12 The respondent filed a motion in limine to exclude the plaintiff's late designation of
13 witnesses and exhibits, a motion to dismiss, due to lack of evidence, and a motion to
14 disqualify plaintiff's counsel, because Mr. Brahms worked in a law firm that had previously
15 represented the defendant in a divorce case and that her prior counsel had not obtained a
16 written waiver of conflicts of interest from his firm's former client prior to filing a lawsuit
against the former client.

17 The plaintiff's motion to reconsider the court's finding that the defendant's pre-trial
18 motion was timely filed shall be denied, because the respondent filed the motions on February
19 14, 2013, within the five day time frame allowed for pre-trial motions. 3 PYTC § 2-1-140.

20 As to Ms. Mullis' motion in limine to preclude the plaintiff's late designation of
21 witnesses and exhibits, the court should grant Ms. Mullis' request to preclude the late
22 designation of witnesses and exhibits. This case had been pending since April 10, 2012. The
23 Court held several hearings in the case, including a hearing on subject matter jurisdiction. On
24 December 7, 2012, nearly eight months after the plaintiff had filed his lawsuit, the court
25 entered its order entitled "Order setting trial and for discovery deadlines." The court
entered the order pursuant to its right to do so under 3 PYTC § 2-130. **Pretrial Conferences.**

26 The December 7, 2012 order read as follows:

27 . . .the plaintiff, no later than December 21, 2012, shall provide to the respondent and
28 to the Court, the names and addresses of all witnesses they expect to present at trial,
and the basic information to which they are expected to testify, all documents they

1 expect to introduce as evidence, and the basic information which they intend to
2 provide with the documents, and all object(s) which they intend to introduce as
3 evidence and the basic information which they intend to provide with those objects.

4 The Court entered an identical provision as to the respondent, whose discovery was due on
5 January 4, 2013.

6 As of December 21, 2012, the plaintiff failed to file any discovery with the court,
7 although ordered to do so on December 7, 2012. The plaintiff did not file any motion to
8 extend the discovery deadline and it did not provide any explanation as to why it filed exhibits
9 later than the December 21, 2012 deadline, when it filed exhibits on January 18, 2013, its first
10 Supplemental Disclosure on February 5, 2013, and its second supplemental disclosure on
11 February 12, 2013.

12 "It is the policy of the Tribal Court that the truth will be revealed more readily if all
13 parties in a civil case have access to all information and evidence related to the case." 3 PYTC
14 §2-1-120, **Discovery**. The purpose of the discovery rules is to prevent trials by ambush. The
15 Court should be able to decide cases based on what facts are revealed rather than on what
16 truths are concealed. If the court finds that a party has violated the discovery statutes, it may
17 sanction a party for failure to comply with the mandatory release of information. The court, in
18 exercising its authority, should provide appropriate sanctions in cases where a party's actions
19 have adversely affected the administration of justice, and contempt authority should be
20 exercised judiciously. The court, however, should prevent the introduction of the plaintiff's
21 late designation of witnesses and exhibits, because the document had not been disclosed in a
22 timely fashion to the respondent on December 21, 2012 as ordered, and for violation of the
23 discovery rules, as supported by 3 PYTC § 2-1-130(D) of the code allowing the court to do
24 so. The plaintiff has failed to show that he asked for an extension to file his discovery late,
25 and he has failed to show that the evidence and witnesses names could not have been
26 discovered without reasonable effort to do so. *Id.*, at (D). He had nearly 8 months to provide
27 the information as ordered, and he failed to do so.

28 Because the Court has granted the motion to preclude all witnesses and exhibits due to
late designation and violation of discovery rules, the Court should also dismiss the petition,

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

based on lack of evidence, and for good cause shown, the court should dismiss the matter with prejudice to re-filing and vacate the current trial setting.

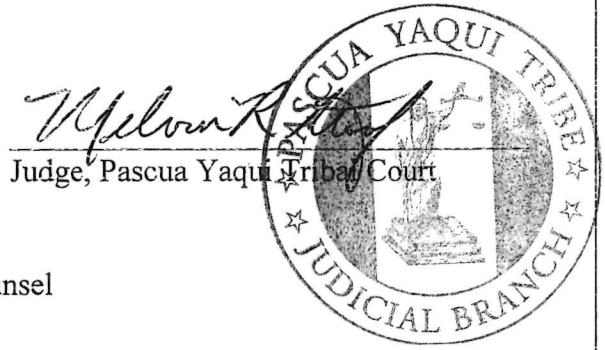
Because the Court has granted Ms. Mullis' motion to dismiss with prejudice, it will not address the motion to disqualify, based on Mr. Brahms and his firms' representation of Ms. Mullis prior to filing a lawsuit against her.

The Court should grant the respondent's motion to dismiss her counterclaim.

IT IS ORDERED that the motion to preclude the plaintiff's late designation of witnesses and exhibits shall be granted, and because there is lack of evidence, Defendant's motion to dismiss the civil lawsuit shall be granted, and for good cause shown, the dismissal of the petition is made with prejudice to re-filing.

IT IS FURTHER ORDERED that the respondent's motion to dismiss her counterclaim shall be granted.

SO ORDERED THIS 22nd DAY OF FEBRUARY, 2013.



Judge, Pascua Yaqui Tribal Court

CC: 02/25/13

Date

Plaintiff/Counsel Respondent/Counsel

Celine [Signature]
Clerk