

MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



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IN THE COURT OF APPEALS OF INDIANA

Aisha Avance,
Appellant-Defendant,

v.

Sherrie Weekly,
Appellee-Plaintiff

October 5, 2023

Court of Appeals Case No.
23A-CT-1102

Appeal from the
St. Joseph Superior Court

The Honorable
Jamie C. Woods, Judge

Trial Court Cause No.
71D06-2205-CT-181

Memorandum Decision by Judge Vaidik
Judges Bradford and Brown concur.

Vaidik, Judge.

- [1] Sherrie Weekly sued Aisha Avance, alleging identity deception and fraud. Avance moved for summary judgment. The trial court denied the motion, and Avance brought this appeal. Because there is no final judgment and Avance did not receive permission to bring an interlocutory appeal, we lack jurisdiction and therefore must dismiss the appeal.
- [2] Our jurisdiction is generally limited to appeals from final judgments. *See* Ind. Appellate Rule 5(A). A judgment is final if, among other things, it disposes of all claims of all parties, leaving nothing for future determination. App. R. 2(H)(1); *In re Adoption of S.L.*, 210 N.E.3d 1280, 1282 (Ind. 2023). An order denying a motion for summary judgment is not a final judgment because it does not dispose of any issues between the parties. *Posterity Scholar House, LP v. FCCI Ins. Co.*, 205 N.E.3d 1018, 1024 (Ind. Ct. App. 2023), *trans. denied*.
- [3] We also have jurisdiction over interlocutory appeals brought under Appellate Rule 14. This rule identifies four types of interlocutory appeals: (A) interlocutory appeals as of right, (B) certified discretionary interlocutory appeals, (C) appeals from interlocutory orders granting or denying class-action certification, and (D) other interlocutory appeals as provided by statute. A denial of a motion for summary judgment is not an interlocutory order that may be appealed as of right under Rule 14(A). *See* App. R. 14(A)(1)-(9). Nor do we have jurisdiction under (C) or (D), as this case does not involve class-action certification, and Avance does not cite any statute entitling her to an

interlocutory appeal. To bring a discretionary interlocutory appeal in accordance with Rule 14(B), a party must first seek certification of the interlocutory order from the trial court. *Id.* at (B)(1). If the trial court certifies its order, the party must then file a motion requesting that this Court accept jurisdiction. *Id.* at (B)(2). Avance has done neither. Because this appeal is not authorized by Rule 14, and the denial of Avance's motion for summary judgment is not a final appealable order, we must dismiss the appeal for lack of jurisdiction.

[4] Dismissed.

Bradford, J., and Brown, J., concur.