

**FILED: November 19, 2014**

IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of

T. P. O.,  
Petitioner-Respondent,

and

JANELLE C. JEFFRIES,  
Respondent-Appellant.

Multnomah County Circuit Court  
110362492

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T. P. O.,  
Petitioner-Respondent,

v.

JANELLE C. JEFFRIES,  
Respondent-Appellant.

Multnomah County Circuit Court  
110768324

A151842

Kathryn L. Villa-Smith, Judge.

Argued and submitted on September 30, 2014; on court's order to show cause filed August 8, 2013, and appellant's response to order to show cause filed August 22, 2013.

Liza Langford argued the cause and filed the brief for appellant.

No appearance for respondent.

Before Duncan, Presiding Judge, and Lagesen, Judge, and De Muniz, Senior Judge.

PER CURIAM

In case 110362492, affirmed; in case 110768324, appeal dismissed.

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**DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS**

Prevailing party: Respondent

- No costs allowed.  
 Costs allowed, payable by  
 Costs allowed, to abide the outcome on remand, payable by
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1 PER CURIAM

2 This consolidated appeal involves two cases. The first is a domestic  
3 relations case, Multnomah County Circuit Court Case Number 110362492, and the  
4 second is a Family Abuse Prevention Act (FAPA) case, Multnomah County Circuit Court  
5 Case Number 110768324. We affirm the trial court's judgment in the domestic relations  
6 case without written discussion, and, for the reasons explained below, we dismiss the  
7 appeal in the FAPA case as untimely.

8 The parties, who are not married but who have one minor child together,  
9 separated in 2011. Thereafter, father filed a domestic relations petition for dissolution  
10 and a FAPA petition for a restraining order against mother. Father was awarded  
11 temporary custody and a temporary restraining order, and the domestic relations and  
12 FAPA cases were consolidated for hearing. The trial court held a hearing on March 9,  
13 2012, and issued a letter opinion on March 15, 2012. In the letter opinion, the court  
14 addressed the issues in both the domestic relations case and the FAPA case. Regarding  
15 the FAPA case, the letter opinion states that "[t]he Restraining Order is continued" and  
16 that "Mother's Motion to Modify the Restraining Order is denied." The letter opinion  
17 also states, at its end, that "[Father] will prepare the judgment. The forms for custody and  
18 parenting judgment may be obtained in \* \* \* the courthouse. \* \* \* A copy of this [letter  
19 opinion] will be attached to the judgment order."

20 The following day, March 16, 2012, the trial court entered an "ORDER  
21 AFTER HEARING," in which it set out its findings and conclusions regarding the issues

1 in the FAPA case. The order expressly continued the restraining order.

2 Father prepared a general judgment that incorporated the trial court's March  
3 15 letter opinion. The trial court entered the general judgment on June 13, 2012. Mother  
4 filed a notice of appeal from that judgment on July 2, 2012, purporting to appeal  
5 decisions in both the domestic relations case and the FAPA case.

6 This court issued an order for mother to show cause why the appeal in the  
7 FAPA case should not be dismissed as untimely, given that the order in the FAPA case  
8 was entered on March 16--more than 30 days before mother filed her notice of appeal on  
9 July 2. Mother filed a written response, asserting that the trial court did not conclusively  
10 dispose of the FAPA case until it entered the general judgment on June 13.

11 We disagree. The trial court could, and did, conclusively dispose of the  
12 issues in the FAPA case in the order entered on March 16. ORS 107.718 (2012),  
13 *amended by* Or Laws 2013, ch 366, § 55. Nothing in the March 16 order left any FAPA  
14 issues open, and no FAPA issues were resolved or modified in the June 13 general  
15 judgment, which bears only the domestic relations case number. Although the domestic  
16 relations and FAPA cases were consolidated for hearing in the trial court, they could be,  
17 and were, disposed of through separate final documents, each with its own notice of  
18 appeal deadline. *See* ORS 19.205(5); *Strother and Strother*, 130 Or App 624, 628, 883  
19 P2d 249 (1994), *rev den*, 320 Or 508 (1995). That is true even though the March 15  
20 letter opinion, which addresses both cases, was attached to the general judgment.

21 In case 110362492, affirmed; in case 110768324, appeal dismissed.