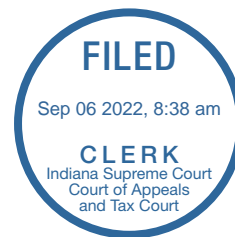


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



APPELLANT PRO SE

Warren Parks
Greencastle, Indiana

IN THE COURT OF APPEALS OF INDIANA

Warren Parks,
Appellant-Plaintiff,

v.

Amber Cooper,
Appellee-Defendant.

September 6, 2022

Court of Appeals Case No.
22A-MI-1009

Appeal from the
Putnam Circuit Court

The Honorable
Melinda Jackman-Hanlin,
Magistrate

Trial Court Case No.
67C01-2101-MI-4

Baker, Senior Judge.

Statement of the Case

[1] For the second time in this case, Warren Parks is attempting to appeal a non-final decision of the trial court without pursuing an interlocutory appeal. He

appeals the trial court’s denial of his “order for counter-claim.” Appellant’s App. Vol. 2, p. 71. We dismiss the appeal.

Issue

- [2] Parks raises three issues, but we have determined that a different issue disposes of this appeal: whether the appeal should be dismissed.

Facts and Procedural History

- [3] On January 7, 2021, Parks filed a civil complaint against Amber Cooper. Parks has not included the complaint in his Appellant’s Appendix, so the nature of his allegations against Cooper are unclear. The Chronological Case Summary (“CCS”) entry for the filing of the complaint describes it as a “state form 1983 complaint.” *Id.* at 6.
- [4] Parks filed a motion for change of judge, which the trial court denied. Parks attempted to appeal the denial, but this Court dismissed the appeal in an order, concluding the trial court’s decision was not a final judgment and also was not an appealable interlocutory order. *Parks v. Cooper*, Cause No. 21A-MI-2850 (Ind. Ct. App. Apr. 1, 2022).
- [5] According to the CCS, on April 20, 2022, Parks filed with the trial court a counterclaim and an affidavit, in which he apparently argued that Cooper’s counsel had an improper relationship with the “administration magistrate court.” Appellant’s Br. p. 4. Copies of those documents have not been

included in the Appellant's Appendix. That same day, the trial court issued an order denying the counterclaim. This appeal followed.

Discussion and Decision

[6] Parks argues the trial court erred in denying his counterclaim, but he has not followed the necessary procedural steps for an appeal. Indiana Appellate Rule 2(H) defines a final judgment as follows:

A judgment is a final judgment if:

- (1) it disposes of all claims as to all parties;
- (2) the trial court in writing expressly determines under Trial Rule 54(B) or Trial Rule 56(C) that there is no just reason for delay and in writing expressly directs the entry of judgment (i) under Trial Rule 54(B) as to fewer than all the claims or parties, or (ii) under Trial Rule 56(C) as to fewer than all the issues, claims or parties;
- (3) it is deemed final under Trial Rule 60(C);
- (4) it is a ruling on either a mandatory or permissive Motion to Correct Error which was timely filed under Trial Rule 59 or Criminal Rule 16; or
- (5) it is otherwise deemed final by law.

[7] The trial court's April 20, 2022 order denying Parks' counterclaim was not a final judgment under Appellate Rule 2(H) because it did not dispose of all claims as to all parties. Based on the record presented in this appeal, it appears that Parks' original claims against Cooper have not yet been adjudicated.

[8] Generally, a non-final order is not appealable unless it is an interlocutory order that is appealable as of right under Appellate Rule 14(A), or the appellant has

sought and gained permission for a discretionary interlocutory appeal from the trial court and this court under Appellate Rule 14(B). *Manley v. Zoeller*, 77 N.E.3d 1227, 1230 (Ind. Ct. App. 2017). The order at issue here does not fall under any of the categories of interlocutory orders appealable as of right under Indiana Appellate Rule 14(A). In addition, there is no indication that Parks followed the process set forth in Appellate Rule 14(B) for discretionary interlocutory appeals. Under these circumstances, the appropriate outcome is dismissal of this premature appeal.

Conclusion

[9] For the reasons stated above, we dismiss this appeal.

[10] Dismissed.

Bradford, C.J., and Pyle, J., concur.