

Court of Appeals, Division One
Civil - Family Court

1 CA-CV 15-0568 FC

RAMIREZ v. BARNET

Appellate Case Information

Case Filed: 27-Aug-2015
Case Closed: 9-Jan-2017

Decision

Dept/Composition

Department B
Hon. Patricia K Norris
Hon. Michael J Brown
Hon. Patricia A Orozco

Side 1. In re the Matter of: .
CHRISTOPHER J. RAMIREZ, Petitioner/Appellant
(Litigant Group) CHRISTOPHER J RAMIREZ

- Christopher J Ramirez

Attorneys for: Petitioner/Appellant
Timothy W Steadman, Esq. (AZ Bar No. 22708)

Side 2. SUNDAY R. BARNET, Respondent/Appellee
(Litigant Group) SUNDAY R BARNET

- Sunday R Barnet PRO SE

Side 3. URHAN KENNETH MERSIMOVSKI and WILLIAM L. HILDEBRANT, Intervenor
(Litigant Group) MERSIMOVSKI/HILDEBRANT

- Urhan Kenneth Mersimovski
- William L Hildebrant

Attorneys for: Intervenor
Helen R Davis, Esq. (AZ Bar No. 18309)
Timea Hargesheimer, Esq. (AZ Bar No. 29618)

CASE STATUS

Jan 9, 2017.....Case Closed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR FC2014-095815	Petition to Establish Paternity, Legal Decision Making, Parenting Time and Support		Joseph Sciarrotta, Authoring Judge of Order		

2 CASE DECISIONS

05-Oct-2015 ORDER



Vacated
ORDERED: Dismissing appeal. FURTHER ORDERED: Motion to Intervene of Adoptive Parents (Intervenors) = DENIED as moot.

Filed: 05-Oct-2015	Mandate:
Decision Disposition	
Dismissed	

Melina Brill.....Author

22-Nov-2016 OPINION

Patricia Norris.....Author
Michael Brown.....Concur
Patricia Orozco.....Concur

Filed: 22-Nov-2016	Mandate: 09-Jan-2017
Decision Disposition	
Reversed Remand with Instructions	

60 PROCEEDING ENTRIES

- 27-Aug-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/27/15
- 27-Aug-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
- 2-Sep-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due

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4. 10-Sep-2015 FILED: Motion to Intervene of Adoptive Parents; Certificate of Service of Motion to Intervene of Adoptive Parents (Intervenors)
5. 18-Sep-2015 RECEIPT No.: 2015-01301 ; \$140.00, Authorization: #60018037469, Applied to: MERSIMOVSKI/HILDEBRANT - Class B Filing Fee (\$140.00) Paid for: Cavanagh Law Firm - By Integrated Resource Systems IN
6. 5-Oct-2015 ORDERED: Dismissing appeal. FURTHER ORDERED: Motion to Intervene of Adoptive Parents (Intervenors) = DENIED as moot. Melina Brill ProTem Judge - Author (vacated per order filed on 11/18/15)
7. 19-Oct-2015 FILED: Motion to Reinstate Appeal; Certificate of Service (Appellant)
8. 20-Oct-2015 FILED: Motion for Leave to Respond to Motion to Reinstate Appeal; Certificate of Service of Motion for Leave to Respond to Motion to Reinstate Appeal (Intervenor)
9. 21-Oct-2015 RECEIPT No.: 2015-01466 ; \$280.00, Authorization: # 93013923309, Applied to: CHRISTOPHER J RAMIREZ - Class A Filing Fee (\$280.00) Paid for: Steadman Law Firm PLC - By Integrated Resource Systems IN
10. 21-Oct-2015 ORDERED: Motion for Leave to Respond to Motion to Reinstate Appeal; (Intervenor) = GRANTED. FURTHER ORDERED: All responses to motion to reinstate appeal shall be filed on/before 11/9/15. FURTHER ORDERED: A reply may be in accordance w/ ARCAP 6 (a)(2). Melina Brill ProTem Judge - Author
11. 9-Nov-2015 FILED: Response and Objection to Motion to Reinstate Appeal; Certificate of Service of Response and Objection to Motion to Reinstate Appeal (Intervenor)
12. 16-Nov-2015 FILED: Reply to Response to Motion to Reinstate Appeal; Certificate of Service (Appellant)
13. 18-Nov-2015 ORDERED: Motion to Reinstate Appeal (Appellant) = GRANTED and reinstating this appeal. FURTHER ORDERED: Case management statement shall be filed on/before 12/4/15. FURTHER ORDERED: Opening brief shall be filed on/before 1/19/16. FURTHER ORDERED: Sunday R Barnett's filing fee of \$140, payable to clerk of this court, is due on 12/4/15. FURTHER ORDERED: Any response to Motion to Intervene of Adoptive Parents shall be filed on/before 12/4/15. Court will consider Motion to Intervene of Adoptive Parents following expiration of time for response, if applicable, a reply. Melina Brill ProTem Judge - Author
14. 4-Dec-2015 FILED: Response to Motion to Intervene of Adoptive Parents; Certificate of Service (Appellant)
15. 4-Dec-2015 FILED: Case Management Statement (Appellant)
16. 11-Dec-2015 FILED: Reply to Response to Motion to Intervene of Adoptive Parents; Certificate of Service (Intervenor)
17. 17-Dec-2015 ORDERED: Allowing Urhan Kenneth Mersimovski and William L. Hildebrant to intervene in this appeal. FURTHER ORDERED: Amending caption to add intervenors. FURTHER ORDERED: Intervenors' brief shall be due within 40 days after service of Opening Brief. Hon Diane M Johnsen - Author
18. 19-Jan-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (striking exhibit 1 to opening brief and reference to that exhibit on page 22 per order filed on 2/22/16 - rsl)
19. 25-Jan-2016 FILED: Intervenors' Motion to Strike Exhibit 1 to Appellant's Opening Brief; Certificate of Service of Intervenors' Motion to Strike Exhibit 1 to Appellant's Opening Brief (Intervenor)
20. 27-Jan-2016 FILED: Intervenors' Designation of Transcripts as Part of the Record on Appeal (with attached Exhibit A - Letters to Timothy Steadman and Exhibit B - Reporter's Transcript - 04/02/2015 - Evidentiary Hearing (Elizabeth A Silva); Certificate of Service of Intervenors' Designation of Transcripts as Part of the Record on Appeal
21. 31-Jan-2016 FILED: Notice of Withdrawal of Attorney of Record; Certificate of Service (Appellant)
22. 11-Feb-2016 FILED: Intervenors' Motion for Extension of Time to File Intervenors' Brief (1st Request); Certificate of Service of Intervenors' Motion for Extension of Time to File Intervenors' Brief (1st Request) (Intervenor)
23. 11-Feb-2016 FILED: Notice of Appearance; Certificate of Service (Appellant)
24. 22-Feb-2016 ORDERED: Intervenors' Motion to Strike Exhibit 1 to Appellant's Opening Brief (Intervenor) = GRANTED and striking exhibit 1 to opening brief and reference to that exhibit on page 22 of opening brief. FURTHER ORDERED: Intervenors' Motion for Extension of Time to File Intervenors' Brief (1st Request) (Intervenor) = GRANTED and extending filing for all answering briefs. Due date EXTENDED from Monday, 03-07-2016 to Wednesday, 04-06-2016. Barbara Vidal Vaught ProTem Judge - Author

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25. 28-Mar-2016 FILED: Intervenor's Motion for Extension of Time to File Intervenor's Brief Second Request; Certificate of Service (Intervenor)
26. 29-Mar-2016 ORDERED: Intervenor's Motion for Extension of Time to File Intervenor's Brief Second Request (Intervenor) = GRANTED on all answering briefs. Due date EXTENDED from Wednesday, 04-06-2016 to Friday, 05-06-2016. Barbara Vidal Vaught ProTem Judge - Author
27. 4-May-2016 FILED: Intervenor's Motion for Extension of Time to File Intervenor's Brief Third Request; Certificate of Service (Intervenor)
28. 5-May-2016 ORDERED: Intervenor's Motion for Extension of Time to File Intervenor's Brief Third Request (Intervenor) = GRANTED for all answering briefs to/including 5/13/16. Melina Brill ProTem Judge - Author
29. 11-May-2016 FILED: Answering Brief of Intervenor; Certificate of Compliance Regarding Answering Brief of Intervenor; Certificate of Service of Answering Brief of Intervenor (Intervenor)
30. 2-Jun-2016 FILED: Motion for Extension of Time to File Reply Brief; Certificate of Service (Appellant)
31. 2-Jun-2016 FILED: Notice of Appearance; Certificate of Service (Appellant)
32. 6-Jun-2016 ORDERED: Motion for Extension of Time to File Reply Brief (Appellant) = GRANTED/ Due date EXTENDED from Monday, 06-06-2016 to Thursday, 06-16-2016. Melina Brill ProTem Judge - Author
33. 16-Jun-2016 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
34. 20-Jun-2016 FILED: Intervenor's Request for Oral Argument; Certificate of Service of Intervenor's Request for Oral Argument (Intervenor)
35. 28-Jun-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
36. 7-Jul-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 9-6-16, 09:30 am, COURTROOM 1.
37. 7-Jul-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
38. 12-Jul-2016 FILED: Memorandum: Judge Brown for Judge Thumma (Chief Judge Brown)
39. 12-Jul-2016 ORDERED: Intervenor's Request for Oral Argument (Intervenor) = GRANTED. Hon Michael J Brown - Author
40. 8-Aug-2016 FILED: Notice of Oral Argument
41. 9-Aug-2016 FILED: Return Receipt Re Oral Argument, signed by Helen R Davis, on 8/8/16 (Intervenors)
42. 10-Aug-2016 FILED: Intervenor's Notice of Filing Transcript of Proceedings to be Included in the Record on Appeal; Certificate of Service of Intervenor's Notice of Filing Transcript of Proceedings to be Included in the Record on Appeal (Intervenor)
43. 10-Aug-2016 FILED: Reporter's Transcript - 11/19/14 - Return Hearing (Elizabeth A. Silva) (Intervenor)
44. 19-Aug-2016 FILED: Notice of Conflict and Motion to Continue Oral Argument; Certificate of Service (Appellant)
45. 23-Aug-2016 ORDERED: Notice of Conflict and Motion to Continue Oral Argument (Appellant) = GRANTED/vacating oral argument previously set in case on 09/06/2016, at 9:30 am and resetting same to 09/08/2016, at 10:15 am. Hon Patricia K Norris - Author
46. 26-Aug-2016 FILED: Receipt for Notice of Oral Argument, signed by Timothy W Steadman on 08/23/2016 (Appellant)
47. 30-Aug-2016 FILED: Intervenor's Notice of Conflict and Unopposed Motion to Continue Oral Argument; Certificate of Service of Intervenor's Notice of Conflict and Unopposed Motion to Continue Oral Argument (Intervenor)
48. 1-Sep-2016 FILED: Memorandum: Judge Orozco for Judge Downie (Chief Judge Brown)
49. 1-Sep-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 10-5-16, 02:00 pm, COURTROOM 2.
50. 1-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by Helen R Davis on 09/01/2016 (Intervenor)
51. 1-Sep-2016 ORDERED: Intervenor's Notice of Conflict and Unopposed Motion to Continue Oral Argument (Intervenor) = GRANTED. Vacating the oral argument previously set in this case on 09/08/2016, at 10:15 am and resetting same to 10/05/2016, at 2:00 pm before Department B, Courtroom 2. Hon Patricia K Norris - Author
52. 6-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by Tim Steadman on 09/01/2016 (Appellant)

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53. 7-Sep-2016 ORDERED: Intervenors Urhan Kenneth Mersimovski and William L Hildebrant to file with court on/before 09/29/2016 a certified copy of the docket in "In the Matter of the Adoption of A Child Whose First Name is Oscar," Surrogates Court of the State of New York, County of Erie, Docket No. X2014-56 ("the New York action") and certified copies of all other filings made in the New York action. Hon Patricia K Norris - Author
54. 16-Sep-2016 FILED: Intervenors' Notice re New York Adoption File; Certificate of Service of Intervenors' Notice re New York Adoption File (Intervenor)
55. 20-Sep-2016 ORDERED: Intervenors Urhan Kenneth Mersimovski and William L Hildebrant shall file a status report on/before 10/05/2016, informing this court as to the status of their motion requesting the release of a certified copy of the docket and certified copy of all filings in Surrogate's Court of the State of New York, County of Erie, Docket No. X2014-56 ("New York action") and all actions taken by the court in the New York Action, including any orders entered in the New York Action at the 09/29/2016 show cause hearing. FURTHER ORDERED: vacating oral argument currently scheduled for 10/05/2016 subject to further order of the court. FURTHER ORDERED: court shall accept any copies of the docket and filings in the New York action under seal. Hon Patricia K Norris - Author
56. 3-Oct-2016 FILED: Status Report re New York Adoption File; Certificate of Service of Status Report re New York Adoption File (Intervenor)
57. 6-Oct-2016 ORDERED: court will not reset the oral argument vacated by its 09/20/2016 order. FURTHER ORDERED: taking this matter under advisement. Hon Patricia K Norris - Author
58. 22-Nov-2016 OPINION (Reversed, Remand with Instructions) Hon Patricia K Norris - Author; Hon Michael J Brown - Concur; Hon Patricia A Orozco - Concur
59. 22-Nov-2016 FILED: Opinion Distribution List
60. 9-Jan-2017 FILED: Mandate, No record returned to superior court.