

Court of Appeals, Division One

Civil - Family Court

1 CA-CV 15-0632 FC

PRESSLY v. LOVE

Appellate Case Information

Case Filed: 23-Sep-2015
Case Closed: 17-Jan-2017

Decision

Dept/Composition

Department D
Hon. Andrew W. Gould
Hon. Peter B Swann
Hon. Patricia A Orozco

Side 1. In re the Matter of:

ABBY P. PRESSLY, Petitioner/Appellee
(Litigant Group) ABBY P PRESSLY

Abby P Pressly

Attorneys for: Petitioner/Appellee
Krista M Carman, Esq. (AZ Bar No. 21700)

Side 2. AARON C. LOVE, Respondent/Appellant

(Litigant Group) AARON C LOVE

Aaron C Love

Attorneys for: Respondent/Appellant
Jeffrey M Zurbruggen, Esq. (AZ Bar No. 16345)

CASE STATUS

Jan 17, 2017....Case Closed

Table with 6 columns: PREDECESSOR CASE (S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YAV, P1300DO20090502, Petition for Modification of Child Support, Patricia A Trebesch, Authoring Judge of Order.

2 CASE DECISIONS

26-Apr-2016 ORDER



Vacated
ORDERED: dismissing this appeal for lack of jurisdiction.

Filed: 26-Apr-2016 Mandate:

Decision Disposition

Dismissed

Melina Brill.....Author

08-Dec-2016 MEMORANDUM DECISION

Andrew Gould.....Author
Patricia Orozco.....Concur
Peter Swann.....Concur

Filed: 08-Dec-2016 Mandate: 17-Jan-2017

Decision Disposition

Affirmed

41 PROCEEDING ENTRIES

- 1. 18-Sep-2015 FILED: Courtesy copy of Appellee's Motion to Dismiss (Petitioner/Appellee)
2. 23-Sep-2015 FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 09/01/15
3. 23-Sep-2015 FILED: e-Record on Appeal: Instruments/Minute Entries e-Exhibits: 67 DE, 75 DE, 78 DE, 83 PL, 84 PL, 86 PL, 87 PL, 90 PL, 94 PL, 95 PL, 96 PL, 97 PL, 98 PL, 102 DE, 103 DE, 106 DE, 111 PL, 113 PL, 114 PL, 115 PL, 118 PL, 134 PL, 135 PL, 138 PL, 140 PL, 141 PL, 146 PL, 149 PL, 153 PL, 153 PL, 154 PL, 155 PL, 156 PL, 157 PL, 159 PL, 167 DE, 168 DE, 169 DE, 170 DE, 171 DE, 179 DE, 183 DE, 187 PL, 188 PL, 189 PL, 190 PL, 196 PL, 199 PL, 200 PL, 204 DE, 205 DE
4. 28-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
5. 29-Sep-2015 FILED: Notice to Parties re: Appellant's Fee Deferred/Appellee's Fee/Case Management Statement/Brief Due
6. 29-Sep-2015 ORDERED: the deferral remains in effect unless there is a change in Appellant's financial circumstances. Ruth Willingham - Author
7. 25-Oct-2015 FILED: Reporter's Transcript of Proceedings 4/16/15 (Mina G Hunt) (unsigned) (Appellant)

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8. 25-Oct-2015 FILED: Case Management Statement & Certified Transcript (Appellant)
9. 16-Nov-2015 FILED: Notice of Appearance; Certificate of Service (Appellee)
10. 19-Nov-2015 RECEIPT No.: 2015-01620 ; \$140.00, Authorization: Ref122019395243, Applied to: ABBY P PRESSLY - Class B Filing Fee (\$140.00) Paid for: Warnock MacKinlay & Carman PLLC - By Intresys Inc
11. 30-Nov-2015 FILED: Motion to Extend Time (Opening Brief); Motion to Extend Time Certificate of Service (Appellant)
12. 30-Nov-2015 FILED: Notice of Appearance; Notice of Appearance Certificate of Service (Appellant)
13. 1-Dec-2015 ORDERED: Motion to Extend Time (Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 11-30-2015 to Thursday, 01-14-2016. Melina Brill ProTem Judge - Author
14. 2-Dec-2015 RECEIPT No.: 2015-01666 ; \$280.00, Authorization: Ref1#35015191402, Applied to: AARON C LOVE - Class A Filing Fee (\$280.00) Paid for: Jeffrey M Zurbruggen PC - By Intresys Inc
15. 14-Jan-2016 FILED: Motion to Extend Time (Opening Brief); Certificate of Service (Appellant)
16. 14-Jan-2016 FILED: Notice of Filing Transcript; Reporter's Transcript – 09/01/2015 - Evidentiary Hearing (Jeanne Oliva) (Appellant)
17. 15-Jan-2016 FILED: Notice of Change of Firm Name; Certificate of Service (Appellee)
18. 19-Jan-2016 ORDERED: Motion to Extend Time (Opening Brief) (Appellant) = DENIED. FURTHER ORDERED: Opening brief shall be filed on/before 2/1/16. If opening brief is not filed on/before 2/1/16, court will dismiss this appeal. Melina Brill ProTem Judge - Author
19. 1-Feb-2016 FILED: Appellant's Opening Brief/Memorandum of Points and Authorities; Certificate of Compliance; Certificate of Service
20. 21-Mar-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service
21. 18-Apr-2016 FILED: Appellant's Reply Brief/Memorandum of Points and Authorities; Certificate of Compliance; Certificate of Service re: Appellant's Reply Brief/Memorandum of Points and Authorities
22. 19-Apr-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
23. 26-Apr-2016 ORDERED: dismissing this appeal for lack of jurisdiction. Melina Brill ProTem Judge - Author (VACATED per order filed 08/02/2016)
24. 11-May-2016 FILED: Appellants Motion to Reinstate Appeal; Certificate of Service Re: Appellants Motion to Reinstate Appeal (Appellant)
25. 13-May-2016 ORDERED: Treating motion to reinstate as motion for reconsideration. FURTHER ORDERED: Appellee's response to motion for reconsideration due 05/31/2016. Appellant may file a reply in accordance with ARCAP 6 (a) (2). Melina Brill ProTem Judge - Author
26. 25-May-2016 FILED: Appellee's Response to Appellant's Motion to Reinstate Appeal; Permission by Order; Certificate of Service (Appellee)
27. 31-May-2016 FILED: Reply to Response to Appellants Motion to Reinstate Appeal; Certificate of Service (Appellant)
28. 3-Jun-2016 ORDERED: revesting jurisdiction in superior court to allow court to make appropriate findings of fact on issues presented in Motion to Reinstate regarding whether appellant mailed notice of appeal to superior court on 8/10/2015 and whether notice of appeal was sent back to appellant without being filed. FURTHER ORDERED: within 10 days from date of this order appellant shall file motion in superior court with this order attached, requesting ruling on these factual issues. FURTHER ORDERED: superior court in its discretion may hold evidentiary hearing and direct parties to file supplemental pleadings/documents necessary to rule on these issues. FURTHER ORDERED: within 10 days after superior court issues its ruling, appellant shall file notice with this court with ruling attached. Upon superior court's ruling, this court will rule on Motion to Reinstate Appeal. FURTHER ORDERED: directing appellant to file written notice with this court of status of superior court proceedings on/before 7/18/2016. Hon Margaret H Downie - Author
29. 18-Jul-2016 FILED: Status Re: Appellant's Motion to Reinstate Appeal; Certificate of Service re: Status Re: Appellant's Motion to Reinstate Appeal (Appellant)

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41 PROCEEDING ENTRIES

30. 19-Jul-2016 ORDERED: continuing stay of appeal until further order. FURTHER ORDERED: notice of ruling on stipulation or findings concerning the timeliness of notice of appeal due with 10 days after superior court ruling. Upon receipt of ruling, court will rule on Motion to Reinstate Appeal. FURTHER ORDERED: status report due 08/18/2016 by appellant. Melina Brill ProTem Judge - Author
31. 20-Jul-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including signed Stipulation re: Timeliness of Notice of Appeal filed 7/20/16)
32. 28-Jul-2016 FILED: Status Re: Appellants Motion to Reinstate Appeal; Certificate of Service (Appellant)
33. 2-Aug-2016 ORDERED: Appellants Motion to Reinstate Appeal (Appellant) = GRANTED/reinstating this appeal. FURTHER ORDERED: appeal shall be scheduled for consideration on the merits. Melina Brill ProTem Judge - Author
34. 26-Sep-2016 CLNDR: CONFERENCE, Department D, 11-16-16, COURTROOM 2.
35. 10-Nov-2016 FILED: Memorandum moving case from 11/16/16 to 11/30/16 (Judge Gould)
36. 14-Nov-2016 FILED: Reporters Transcript - 4/29/15 - Trial (Mina G. Hunt) (Appellant)
37. 8-Dec-2016 MEMORANDUM DECISION (Affirmed) Hon Andrew W Gould - Author; Hon Patricia A Orozco - Concur; Hon Peter B Swann - Concur
38. 8-Dec-2016 FILED: Memorandum Decision Distribution List
39. 12-Dec-2016 FILED: Verified Statement of Costs and Attorney's Fees; Certificate of Service (Appellee)
40. 3-Jan-2017 ORDERED: awarding Petitioner/Appellee attorneys' fees in the amount of \$5,100.00 and costs in the amount of \$37.00. Hon Andrew W Gould - Author
41. 17-Jan-2017 FILED: Mandate, No record returned to superior court.