Court of Appeals, Division One

Civil - Family Court

1 CA-CV 15-0769 FC — MITTON v. MITTON

Appellate Case Information

Case Filed: 20-Nov-2015

Case Closed:

Dept/Composition

Department E

Hon. Samuel A Thumma
Hon. Randall M Howe
Hon. Patricia A Orozco

Side 1. In re the Matter of:

JUSTIN TAIT MITTON, Petitioner/Appellant

(Litigant Group) JUSTIN TAIT MITTON

- **Justin Tait Mitton**

Attorneys for: Petitioner/Appellant

Glenn D Halterman, Esq. (AZ Bar No. 25318)

Steven M Ellsworth, Esq. (AZ Bar No. 12698)

Side 2. CANDICE H. MITTON, Respondent/Appellee

(Litigant Group) CANDICE H MITTON

- **Candice H Mitton**

Attorneys for: Respondent/Appellee

Travis M Wheeler, Esq. (AZ Bar No. 26415)

Amanda E Heitz, Esq. (AZ Bar No. 26519)

CASE STATUS

Jan 30, 2017....Assigned

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	FC2012-000532	Legal Decision Making and Parenting Time/Child Support		Pamela Hearn Svoboda, Authoring Judge of Order		

CALENDAR

Wednesday MONTHLY COURT CASE CALENDAR
1-Mar-2017 **Department E; COURTROOM 2**
2:15 PM

52 PROCEEDING ENTRIES

1.	20-Nov-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 10/23/15
2.	20-Nov-2015	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3.	1-Dec-2015	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4.	7-Dec-2015	RECEIPT No.: 2015-01678 ; $280.00, Check Number: 10560, Applied to: JUSTIN TAIT MITTON - Class A Filing Fee ($280.00) Paid for: JUSTIN TAIT MITTON - By ELLSWORTH FAMILY LAW, P.C.
5.	14-Dec-2015	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
6.	16-Dec-2015	ORDERED: Staying appeal to/including 2/1/16. FURTHER ORDERED: Superior Court shall rule on application. FURTHER ORDERED: Within 10 days after superior court issues ruling on application, appellant shall file notice with the court with ruling attached. FURTHER ORDERED: Appellant shall file a timely Amended Notice of Appeal after entry of the signed order. Within 5 days of filing Amended Notice of Appeal, appellant shall foward a file-stamped copy of the Notice of Appeal to this court. FURTHER ORDERED: if appeal has not been reinstated by the filing of a signed order by 2/1/16, Appellant shall file a request to continue the stay that describes status of application. If appellant does not file a request to continue stay, appeal may be dismissed. FURTHER ORDERED: Vacating 2/1/16 due date for Opening Brief. Melina Brill ProTem Judge - Author
7.	26-Jan-2016	FILED: Notice of Filing Superior Court Ruling; Certificate of Service (Appellant)
8.	26-Jan-2016	ORDERED: Notice of Filing Superior Court Ruling (Appellant) = GRANTED/reinstating this appeal. FURTHER ORDERED: Opening brief shall be filed on/before 3/7/16. FURTHER ORDERED: Appellee's filing fee of $140.00, payable to clerk of this court, is due on 2/5/16. FURTHER ORDERED: Directing clerk of superior court to transmit additional record consisting of all filings after 10/23/2015. Barbara Vidal Vaught ProTem Judge - Author

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52 PROCEEDING ENTRIES

9.	28-Jan-2016	ORDERED: case management statement shall be filed on/before 2/12/16. Barbara Vidal Vaught ProTem Judge - Author
10.	29-Jan-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Order Re Attorney Fees filed 1/21/16 and Amended Notice of Appeal filed 1/26/16)
11.	2-Feb-2016	FILED: Case Management Statement (Appellant)
12.	2-Feb-2016	FILED: Certificate of Service (re: Case Management Statement) (Appellant)
13.	24-Feb-2016	FILED: Letter, 2/24/16, from Court to Appellee, 'Motion to Withdraw' will not be filed; appellees fee required
14.	7-Mar-2016	FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
15.	8-Mar-2016	ORDERED: Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 03-07-2016 to Wednesday, 04-06-2016. Barbara Vidal Vaught ProTem Judge - Author
16.	25-Mar-2016	RECEIPT No.: 2016-00374 ; $140.00, Check Number: 15195, Applied to: CANDICE H MITTON - Class B Filing Fee ($140.00) Paid for: - By Law Offices of Elizabeth S Langford PC
17.	6-Apr-2016	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service
18.	6-Apr-2016	FILED: Appendix to Appellant's Opening Brief
19.	14-Apr-2016	FILED: Motion to Withdraw as Counsel of Record For Respondent/Appellee and Motion For Expedited Ruling; Certificate of Service (Appellee)
20.	14-Apr-2016	FILED: Motion to Withdraw As Counsel of Record for Respondent/Appellee and Motion For Expedited Ruling; Certificate of Service (Appellee) (Duplicate Motion)
21.	15-Apr-2016	ORDERED: denying request for expedited ruling. Court will rule on motion to withdraw following expiration of time for response and, if applicable, a reply. Barbara Vidal Vaught ProTem Judge - Author
22.	25-Apr-2016	FILED: Motion for Extension of Time to File Response Brief; Certificate of Service (Appellee)
23.	25-Apr-2016	FILED: Motion for Reconsideration Regarding Motion to Withdraw and Request for Expedited Ruling; Certificate of Compliance; Certificate of Service (Appellee)
24.	27-Apr-2016	ORDERED: Motion for Reconsideration Regarding Motion to Withdraw and Request for Expedited Ruling (Appellee) = DENIED. FURTHER ORDERED: Motion for Extension of Time to File Response Brief(Appellee) = GRANTED. Due date EXTENDED from Monday, 05-23-2016 to Wednesday, 06-22-2016. Melina Brill ProTem Judge - Author
25.	5-May-2016	ORDERED: granting motion to withdraw (Attorney Elizbeth S Langford). Melina Brill ProTem Judge - Author
26.	21-Jun-2016	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee Pro Per)
27.	21-Jun-2016	FILED: Appendix to Appellee's Answering Brief (Appellee Pro Per)
28.	27-Jun-2016	RECEIPT No.: 2016-00786 ; $140.00, Authorization: Ref1:79010473809, Applied to: CANDICE H MITTON - Overpayment Class B ($140.00) Paid for: CANDICE H MITTON - By Integrated Resource Systems IN (Memo: Overpymt 2016-00374 refund needed)
29.	18-Jul-2016	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
30.	19-Jul-2016	FILED: Notice of Filing and Serving Transcript; Certificate of Service (Appellant)
31.	19-Jul-2016	FILED: Reporter's Transcript - 08/06/2015 - Hearing (Christine Johnson) (Appellant)
32.	25-Jul-2016	FILED: Letter, 07/25/2016, from Court to Candice H Mitton, refunding $140.00 due to duplicate payment
33.	27-Jul-2016	ORDERED: objection to appointment of pro bono counsel for appellee due 08/04/2016. FURTHER ORDERED: staying appeal pending further order. Hon Michael J Brown - Author
34.	1-Aug-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days

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52 PROCEEDING ENTRIES

35.	8-Aug-2016	ORDERED: appointing pro bono counsel to represent appellee Candice H Mitton for purposes of this appeal only. FURTHER ORDERED: notice of appearance due 09/06/2016. FURTHER ORDERED: continuing stay of appeal. Hon Michael J Brown - Author
36.	11-Aug-2016	FILED: Additional Record on Appeal: Exhibits: HD 8/6/15 - LIST # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 in Manila Envelope
37.	11-Aug-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
38.	2-Sep-2016	FILED: Notice of Appearance of Pro Bono Counsel; Certificate of Service Re: Notice of Appearance of Pro Bono Counsel (Appellee)
39.	8-Sep-2016	ORDERED: Travis M Wheeler and Amanda E Heitz of Bowman and Brooke, LLP, are hereby appointed to represent appellee for purposes of this appeal only. FURTHER ORDERED: Clerk of Court shall amend record to reflect that Travis M Wheeler and Amanda E Heitz of Bowman and Brooke, LLP, are pro bono counsel of record for appellee. FURTHER ORDERED: answering brief due 11/07/2016; and optional reply brief due within 20 days after service of the answering brief. FURTHER ORDERED: upon completion of briefing, the court will issue a separate order lifting stay previously issued by this court in the Order Placing Case in Pro Bono Program and Staying Appeal and setting oral argument. Hon Michael J Brown - Author
40.	31-Oct-2016	FILED: Appellee's Unopposed Motion for Procedural Order to Extend Time for Filing Answering Brief; Certificate of Service Re: Appellee's Unopposed Motion for Procedural Order to Extend Time for Filing Answering Brief (Appellee)
41.	1-Nov-2016	ORDERED: Appellee's Unopposed Motion for Procedural Order to Extend Time for Filing Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 11-07-2016 to Monday, 11-21-2016. Melina Brill ProTem Judge - Author
42.	21-Nov-2016	FILED: Appellee's Answering Brief; Certificate of Compliance Re: Appellee's Answering Brief; Certificate of Service Re: Appellee's Answering Brief (Appellee)
43.	9-Dec-2016	FILED: Motion for Extension of Time to File Reply Brief; Certificate of Service (Appellant)
44.	12-Dec-2016	ORDERED: Motion for Extension of Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 12-19-2016 to Thursday, 12-22-2016. Melina Brill ProTem Judge - Author
45.	22-Dec-2016	FILED: Appellant's Supplemental Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
46.	22-Dec-2016	FILED: Appendix to Appellant's Supplemental Reply Brief (Appellant)
47.	28-Dec-2016	FILED: Appellee's Request for Oral Argument (Pro Bono Representation Program); Certificate of Service Re Appellee's Request for Oral Argument (Pro Bono Representation Program) (Appellee)
48.	10-Jan-2017	ORDERED: Appellee's Request for Oral Argument (Pro Bono Representation Program) (Appellee) = GRANTED. Oral argument will be scheduled in the normal course of the court's civil appeals calendar, and the court will notify counsel of the date. Hon Michael J Brown - Author
49.	17-Jan-2017	ORDERED: lifting stay of this appeal previously issued by this court on 07/27/2016. Hon Michael J Brown - Author
50.	30-Jan-2017	CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 3-1-17, 02:15 pm, COURTROOM 2.
51.	2-Feb-2017	FILED: Notice of Oral Argument
52.	3-Feb-2017	FILED: Receipt for Notice of Oral Argument, signed by Travis M Wheeler on 02/02/2017 (Appellee)

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