

Court of Appeals, Division One

Civil - Family Court

1 CA-CV 15-0861 FC

MARTINEZ v. GUTIERREZ

Appellate Case Information

Case Filed: 30-Dec-2015

Case Closed:

Dept/Composition

Department E

Hon. Kent E Cattani
Hon. Lawrence F Winthrop
Hon. Rick A Williams

Side 1. In re the Matter of:

VICENTE RUBEN MARTINEZ, Petitioner/Appellant

(Litigant Group) VICENTE RUBEN MARTINEZ

- Vicente Ruben Martinez

Attorneys for: Petitioner/Appellant

Joseph W Charles, Esq. (AZ Bar No. 3038)

Side 2. CYNTHIA MARISOL GUTIERREZ, Respondent/Appellee

(Litigant Group) CYNTHIA MARISOL GUTIERREZ

- Cynthia Marisol Gutierrez

Attorneys for: Respondent/Appellee

Patrick S Sampair, Esq. (AZ Bar No. 12340)

CASE STATUS

Jan 24, 2017....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, FC2013-006662, Petition for Dissolution of Non-Covenant Marriage (w/children), Pamela Hearn Svoboda, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-16-0311-PR

2 OPEN DUE DATES

Motion for Reconsideration due

Due By: Wednesday, February 8, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Lawrence F Winthrop - Author; Hon Kent E Cattani - Concur; Hon Rick A Williams - Concur

Petition for Review to ASC due

Due By: Thursday, February 23, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Lawrence F Winthrop - Author; Hon Kent E Cattani - Concur; Hon Rick A Williams - Concur

2 CASE DECISIONS

22-Nov-2016 MEMORANDUM DECISION

\*\*\*Withdrawn\*\*\* (withdrawn per order filed 01/24/2017)

Filed: 22-Nov-2016 Mandate:

Decision Disposition

Affirmed

Lawrence Winthrop.....Author
Kent Cattani.....Concur
Rick Williams.....Concur

24-Jan-2017 MEMORANDUM DECISION

Lawrence Winthrop.....Author
Kent Cattani.....Concur
Rick Williams.....Concur

Filed: 24-Jan-2017 Mandate:

Decision Disposition

Affirmed

47 PROCEEDING ENTRIES

1. 30-Dec-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 12/01/15

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2. 30-Dec-2015 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3. 6-Jan-2016 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4. 27-Jan-2016 RECEIPT No.: 2016-00094 ; \$280.00, Check Number: 354, Applied to: VICENTE RUBEN MARTINEZ - Class A Filing Fee (\$280.00) Paid for: - By Joseph W Charles PC
5. 2-Feb-2016 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
6. 3-Feb-2016 FILED: Case Management Statement (Appellant)
7. 11-Feb-2016 RECEIPT No.: 2016-00191 ; \$140.00 Applied to: CYNTHIA MARISOL GUTIERREZ - Class B Filing Fee (\$140.00) Paid for: - By CYNTHIA MARISOL GUTIERREZ
8. 3-Mar-2016 FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
9. 4-Mar-2016 ORDERED: Motion for Extension of Time to File Opening Brief (Appellant) = DENIED. FURTHER ORDERED: Extending deadline for filing opening brief to/including 4/4/16. Barbara Vidal Vaught ProTem Judge - Author
10. 23-Mar-2016 FILED: Certificate of Service re: Transcript (Appellant)
11. 23-Mar-2016 FILED: Reporter's Transcript - 11/3/15 (Julie Parker) (Appellant) (STRICKEN per order filed 08/17/2016)
12. 30-Mar-2016 FILED: Courtesy copy of Appellant's Opening Brief; Certificate of Compliance; Certificate of Service
13. 30-Mar-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service
14. 1-Apr-2016 FILED: Cover Page to 11/3/15 Transcript (Appellant)
15. 5-May-2016 FILED: Motion to Extend Time to File Answering Brief; Certificate of Service re Motion to Extend Time to File Answering Brief (Appellee)
16. 9-May-2016 ORDERED: Motion to Extend Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 05-16-2016 to Wednesday, 06-15-2016. Melina Brill ProTem Judge - Author
17. 16-Jun-2016 FILED: Unopposed Motion to Accept Answering Brief Motion for Procedural Order; Certificate of Service; Exhibit A; Exhibit B (Appellee)
18. 16-Jun-2016 FILED: Appellee Cynthia Marisol Gutierrez Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
19. 20-Jun-2016 ORDERED: Unopposed Motion to Accept Answering Brief Motion for Procedural Order (Appellee) = GRANTED. Accepting brief as filed. Melina Brill ProTem Judge - Author
20. 6-Jul-2016 FILED: Appellant's Reply Brief; Certificate of Service; Certificate of Service (Appellant)
21. 6-Jul-2016 FILED: Request for Oral Argument; Certificate of Service (Appellant)
22. 12-Jul-2016 ORDERED: written notice indicating whether Ms. Julie Parker is an authorized transcriber due 07/29/2016. Melina Brill ProTem Judge - Author
23. 1-Aug-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
24. 3-Aug-2016 ORDERED: directing appellant to file transcript notice and supporting documentation on/before 08/15/2016. Failure to comply with order may result in sanctions. Melina Brill ProTem Judge - Author
25. 8-Aug-2016 FILED: Notice - Status Report; Certificate of Service (Appellant)
26. 11-Aug-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
27. 11-Aug-2016 ORDERED: denying the request. Appellant shall file written notice with supporting documentation, on/before 08/15/2016, indicating whether Ms. Parker is an authorized transcriber (request for extension regarding transcript notice). Barbara Vidal Vaught ProTem Judge - Author

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28. 11-Aug-2016 ORDERED: Request for Oral Argument (Appellant) = 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
29. 11-Aug-2016 FILED: Additional Record on Appeal:  
Exhibits: HD 11/03/15 - 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 31 32 33 34 35 36 in a box; HD 12/19/13 - LIST # 1 2 3 4 5 6 7 8 11 12 13 14 15 16 18 19 20 21 22 23 24 25 26 28 30 35 37 38 42 in a box
30. 15-Aug-2016 FILED: Response to Order Denying Request for Extension Regarding Transcript Notice; Certificate of Service (Appellant)
31. 15-Aug-2016 FILED: Reporter's Transcript - 11/3/2015 - Reporter's Transcript of Taped Proceedings (Donna Ford Terrell) (Appellant)
32. 17-Aug-2016 ORDERED: striking the transcript filed on 03/23/2016. FURTHER ORDERED: supplementing the record on appeal with the certified transcript of 11/03/2015 proceeding filed in this court 08/15/2016. Melina Brill ProTem Judge - Author
33. 26-Sep-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 11-9-16, 03:15 pm, COURTROOM 1.
34. 4-Oct-2016 FILED: Notice of Oral Argument
35. 4-Oct-2016 FILED: Receipt for Notice of Oral Argument, signed by Joseph Charles on 10/04/2016 (Appellant)
36. 20-Oct-2016 FILED: Receipt for Notice of Oral Argument, signed by Patrick Sampair on 10/04/2016 (Appellee)
37. 9-Nov-2016 FILED: Sign-in Sheet/Case is Under Advisement as of 11/09/2016 (Dept E)
38. 22-Nov-2016 MEMORANDUM DECISION (Affirmed) Hon Lawrence F Winthrop - Author; Hon Kent E Cattani - Concur; Hon Rick A Williams - Concur
39. 22-Nov-2016 FILED: Memorandum Decision Distribution List
40. 9-Dec-2016 FILED: Motion to Amend or Clarify Decision of the Court Filed November 11, 2016; Certificate of Service (Amicus Curiae)
41. 20-Dec-2016 FILED: Courtesy Copy - Petition for Review; Certificate of Service (Appellant)
42. 21-Dec-2016 FILED: Email Notice from ASC re: Petition for Review filed 12/20/16; request for partial record
43. 21-Dec-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
44. 21-Dec-2016 ORDERED: Petitioner/Appellant shall file a response to motion (motion to amend or clarify decision) due 01/04/2017. FURTHER ORDERED: Respondent/Appellee may file a reply due 01/11/2017. Hon Lawrence F Winthrop - Author
45. 24-Jan-2017 MEMORANDUM DECISION (Affirmed) Hon Lawrence F Winthrop - Author; Hon Kent E Cattani - Concur; Hon Rick A Williams - Concur
46. 24-Jan-2017 FILED: Memorandum Decision Distribution List
47. 24-Jan-2017 ORDERED: Motion to Amend or Clarify Decision of the Court Filed November 11, 2016 (Amicus Curiae) = GRANTED. FURTHER ORDERED: withdrawing previously filed Memorandum Decision filed 11/22/2016, and to substitute this Memorandum Decision in its place. Hon Lawrence F Winthrop - Author