

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0094

EMERSON v. O'CONNOR et al.

Appellate Case Information

Case Filed: 12-Feb-2015

Case Closed: 9-Dec-2015

Reinstated x 1: 4-Apr-2016 Dismissal

Re-Closed:

Dept/Composition

Department C

Hon. Diane M Johnsen

Hon. Jon W Thompson

Hon. Paul J McMurdie

Side 1. ANTHONY-ERIC EMERSON, Plaintiff/Appellant

(Litigant Group) ANTHONY-ERIC EMERSON

- Anthony-Eric Emerson

PRO SE

Side 2. KAREN L. O'CONNOR; JEANNE GARCIA, Defendant/Appellee

(Litigant Group) KAREN L O'CONNOR et al.

- Hon Karen L O'Connor

AZ Bar No. 10094

[Current Member]

Admitted 5/18/85

- Hon Jeanne M Garcia

AZ Bar No. 13535

[Current Member]

Admitted 5/18/91

Attorneys for: Defendants/Appellees

Lisa M Hemann, Esq. (AZ Bar No. 24703)

CASE STATUS

Jan 5, 2017.....Decision Rendered

Apr 4, 2016.....Reinstated Case

PREDECESSOR CASE(S)

Table with 6 columns: Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2014-006803, Unclassified Civil, Michael D Peterson, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC M-16-0009

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Monday, February 6, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Paul J McMurdie - Author; Hon Diane M Johnsen - Concur; Hon

Jon W Thompson - Concur

Amended Per Order Filed 1-6-17

2 CASE DECISIONS

21-Oct-2015 ORDER

Vacated

* ORDERED: (Appellant has not requested continuation of stay or filed anything in superior court since 8/31/15 and superior court has not entered a signed order w/ certification of finality pursuant to Rule 54(c)) dismissing this appeal for lack of jurisd

Filed: 21-Oct-2015

Mandate:

Decision Disposition

Dismissed

Melina Brill.....Author

05-Jan-2017 MEMORANDUM DECISION

Amended Per Order Filed 1-6-17

Filed: 05-Jan-2017

Mandate:

Decision Disposition

Affirmed

Paul McMurdie.....Author

Diane Johnsen.....Concur

Jon Thompson.....Concur

Court of Appeals, Division One**Civil Appeal****1 CA-CV 15-0094****EMERSON v. O'CONNOR et al.****49 PROCEEDING ENTRIES**

1. 12-Feb-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/27/15
2. 12-Feb-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 3-Mar-2015 ORDERED: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). There is no appellee's filing fee due in this matter. Appellant's Case Management Statement due 3/23/15 and Opening Brief due 5/4/15. FURTHER ORDERED: copy of this order to Arizona Department of Corrections, and copy of order and case management statement form to appellant personally. Ruth Willingham - Author
4. 16-Mar-2015 FILED: Case Management Statement (Appellant Pro Per)
5. 16-Mar-2015 FILED: Copy of 'Notice/Brief/Conditional Acceptance for Value' from Appellant to Appellee
6. 21-May-2015 ORDERED: (Opening brief has not been filed nor a request for extension of time) Opening brief shall be filed on/before 6/1/15. If not timely filed, court shall dismiss this appeal. Melina Brill ProTem Judge - Author
7. 1-Jun-2015 FILED: Opening Brief (Pro Per)
8. 16-Jun-2015 FILED: Motion to Suspend Appeal and Briefing Schedule; Certificate of Service (Appellee)
9. 18-Jun-2015 ORDERED: vacating 7/20/15 due date for answering brief. Order ruling on pending motion to suspend appeal will set due date for filing answering brief. Melina Brill ProTem Judge - Author
10. 25-Jun-2015 FILED: Reply to Motion to Suspend Appeal and Briefing Schedule (Appellant Pro Per)
11. 14-Jul-2015 ORDERED: Motion to Suspend Appeal and Briefing Schedule (Appellee) = GRANTED/staying appeal to/including 8/28/15, and re-vesting jurisdiction in Maricopa Superior Court to consider application for signed judgment w/ certification of finality re: Rule 54(c). FURTHER ORDERED: If superior court grants application, appellant shall file a copy of signed judgment w/in 10 days after its entry. Appeal will be reinstated w/o further action by this court. FURTHER ORDERED: If appeal has not been reinstated, appellant shall file a request to continue stay or appeal will be dismissed. FURTHER ORDERED: If signed judgment has been filed, answering brief is due on 9/28/15. Melina Brill ProTem Judge - Author
12. 17-Aug-2015 FILED: Notice of Intent (Appellant Pro Per)
13. 17-Aug-2015 FILED: Notice (Appellant Pro Per)
14. 31-Aug-2015 ORDERED: denying relief requested in Notice of Intent. FURTHER ORDERED: Continuing stay of this appeal to/including 9/30/15, for purposes set forth in this court's 7/14/15 order. Appeal will be automatically reinstated on 10/1/15, unless before that date appellant files a request to continue stay of appeal. FURTHER ORDERED: Answering brief shall be filed on/before 11/2/15. Melina Brill ProTem Judge - Author
15. 3-Sep-2015 FILED: Request to Continue Stay of Appeal/Order Request (Appellant Pro Per)
16. 8-Sep-2015 ORDERED: Request to Continue Stay of Appeal/Order Request (Appellant Pro Per) = DENIED. If superior court does not enter a signed order w/ certification of finality pursuant to Rule 54(c) prior to 9/30/15, appellant may request a continuation of stay. Melina Brill ProTem Judge - Author
17. 21-Oct-2015 ORDERED: (Appellant has not requested continuation of stay or filed anything in superior court since 8/31/15 and superior court has not entered a signed order w/ certification of finality pursuant to Rule 54(c)) dismissing this appeal for lack of jurisdiction. Nothing in this order precludes appellant from filing a timely notice of appeal after superior court enters a final appealable order. Melina Brill ProTem Judge - Author (vacated per order filed 4/4/16 - rsl)
18. 30-Oct-2015 FILED: Motion for Reconsideration (Appellant Pro Per)
19. 17-Nov-2015 ORDERED: Motion for Reconsideration (Appellant Pro Per) = DENIED. Hon Randall M Howe - Author
20. 9-Dec-2015 FILED: Letter, 12/9/15, Certified Copy of Order dismissing appeal. No records to be returned to clerk, Maricopa County Superior Court
21. 18-Dec-2015 FILED: Motion to Vacate 10/21/15 Order (Appellant Pro Per)

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22. 22-Dec-2015 ORDERED: Motion to Vacate 10/21/15 Order (Appellant Pro Per) = DENIED without prejudice to appellant seeking relief in form of a petition for special action. Hon Diane M Johnsen - Author
23. 7-Mar-2016 FILED: Motion to Reinstate (Appellant Pro Per)
24. 4-Apr-2016 ORDERED: Motion to Reinstate (Appellant Pro Per) = GRANTED/reinstating this appeal. FURTHER ORDERED: Answering brief shall be filed on/before 5/16/16. FURTHER ORDERED: Directing clerk of superior court to transmit additional record consisting of all filings after 1/27/15. Barbara Vidal Vaught ProTem Judge - Author
25. 6-Apr-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Amended Notice of Appeal filed 3/8/16 re: signed order dated 2/9/16)
26. 7-Apr-2016 FILED: Motion of Status (Appellant Pro Per)
27. 12-Apr-2016 FILED: Letter, 4/12/16, from Court to Appellant, enclosing copy of docket
28. 5-May-2016 FILED: Motion for Procedural Order to Extend Time to File Answering Brief; Certificate of Service (Appellee)
29. 9-May-2016 ORDERED: Motion for Procedural Order 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
30. 16-May-2016 FILED: Motion to Disclude Order to Extend Time to File Answering Brief (Appellant Pro Per)
31. 18-May-2016 ORDERED: Motion to Disclude Order to Extend Time to File Answering Brief (Appellant Pro Per) = DENIED. FURTHER ORDERED: Answering Brief due 06/15/2016. Melina Brill ProTem Judge - Author
32. 10-Jun-2016 FILED: Notice of Fault and Opportunity to Cure and Contest Acceptance
33. 14-Jun-2016 FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellees)
34. 20-Jun-2016 FILED: Courtesy Copy - Affidavit of Notice of Default (Appellant Pro Per)
35. 5-Jul-2016 FILED: Motion for Certification of Non-Response Regarding C.A.F.V Proof of Claim (Appellant Pro Per)
36. 11-Jul-2016 ORDERED: Motion for Certification of Non-Reponse Regarding C.A.F.V Proof of Claim (Appellant Pro Per) = DENIED. FURTHER ORDERED: taking no action on "Notice of Fault & Opportunity to Cure and Contest Acceptance" and "Affidavit of Notice of Default". Melina Brill ProTem Judge - Author
37. 20-Jul-2016 FILED: Motion for Defendants Response / Default Judgement (Appellant Pro Per)
38. 26-Jul-2016 ORDERED: Motion for Defendants Response / Default Judgement (Appellant Pro Per) = DENIED. Melina Brill ProTem Judge - Author
39. 28-Jul-2016 FILED: Writ of Execution / Bill of Exchange (Appellant Pro Per)
40. 1-Aug-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
41. 2-Aug-2016 ORDERED: Writ of Execution / Bill of Exchange (Appellant Pro Per) = DENIED. Melina Brill ProTem Judge - Author
42. 11-Aug-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
43. 12-Sep-2016 FILED: Notice of Appeal Writ of Mandamus (Appellant Pro Per)
44. 13-Sep-2016 ORDERED: taking no action on appellant's motion (Notice of Appeal Writ of Mandamus). Melina Brill ProTem Judge - Author
45. 3-Oct-2016 FILED: Judicial Notice (Appellant Pro Per)
46. 28-Oct-2016 CLNDR: CONFERENCE, Department C, 12-21-16, COURTROOM 1.
47. 5-Jan-2017 MEMORANDUM DECISION (Affirmed) Hon Paul J McMurdie - Author; Hon Diane M Johnsen - Concur; Hon Jon W Thompson - Concur
Amended Per Order Filed 1-6-17
48. 5-Jan-2017 FILED: Memorandum Decision Distribution List

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49. 6-Jan-2017 ORDERED: directing Clerk of this Court to amend, by interlineation, the Memorandum Decision in this matter filed 12/06/2016, the caption, by replacing "Randall H Warner" with "Michael D Peterson". Hon Paul J McMurdie - Author