Court of Appeals, Division One

Civil - Family Court

1 CA-CV 15-0317 FC — DEMARIO v. DEMARIO

Appellate Case Information

Case Filed: 15-May-2015

Case Closed:

Dept/Composition

Department C

Hon. Diane M Johnsen
Hon. Jon W Thompson
Hon. Paul J McMurdie

Consolidated with: 1 CA-CV 15-0316 FC

Side 1. In re the Marriage of:

CHRISTIE MAY DEMARIO, Petitioner/Appellant

(Litigant Group) CHRISTIE MAY DEMARIO

- **Christie May DeMario** — PRO SE

Side 2. ERIC DAVID DEMARIO, Respondent/Appellee

(Litigant Group) ERIC DAVID DEMARIO

- **Eric David DeMario**

Attorneys for: Respondent/Appellee

Heidi A Lukacsik, Esq. (AZ Bar No. 024459)

CASE STATUS

Dec 27, 2016....Decision Rendered

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	FC2012-071473	Judgment/Decree, Attorney Fees		Carey Snyder Hyatt, Authoring Judge of Order		

2 OPEN DUE DATES

Motion for Reconsideration due — **Due By:** Tuesday, January 24, 2017 [1 extension]

Re: MEMORANDUM DECISION (Affirmed as Modified) Hon Diane M Johnsen - Author; Hon Jon W Thompson - Concur; Hon Paul J McMurdie - Concur

Petition for Review to ASC due — **Due By:** Thursday, January 26, 2017

Re: MEMORANDUM DECISION (Affirmed as Modified) Hon Diane M Johnsen - Author; Hon Jon W Thompson - Concur; Hon Paul J McMurdie - Concur

2 CASE DECISIONS

10-Mar-2016 ORDER

Vacated
Vacated per order filed 3/10/16. ORDERED: dismissing this appeal.

Barbara Vidal Vaught.....Author

Filed: **10-Mar-2016** Mandate:

Decision Disposition
Dismissed

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-CV 15-0316 FC DEMARIO v. DEMARIO

27-Dec-2016 MEMORANDUM DECISION

Diane Johnsen.....Author
Jon Thompson.....Concur
Paul McMurdie.....Concur

Filed: **27-Dec-2016** Mandate:

Decision Disposition
Affirmed as Modified

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-CV 15-0316 FC DEMARIO v. DEMARIO

116 PROCEEDING ENTRIES

1. 15-May-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/17/15

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116 PROCEEDING ENTRIES

2.	15-May-2015	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3.	26-May-2015	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4.	8-Jun-2015	RECEIPT No.: 2015-00783 ; $280.00, Check Number: 1061, Applied to: CHRISTIE MAY DEMARIO - Class A Filing Fee ($280.00) Paid for: - By Kenneth R Creasy
5.	15-Jun-2015	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
6.	15-Jun-2015	FILED: Motion for Pro Per Representation for Appellate Issues; Certification of Service (Appellant)
7.	15-Jun-2015	FILED: Case Management Statement; Decree dated 2/3/15 filed 2/5/15; Judgment dated 4/13/15 filed 4/14/15; Notice of Appeal filed 4/17/15 (Appellant)
8.	17-Jun-2015	FILED: Courtesy Copy of Motion for Pro Per Representation for Appellate Issues (Appellant Pro Per)
9.	19-Jun-2015	RECEIPT No.: 2015-00853 ; $140.00, Check Number: #22077, Applied to: ERIC DAVID DEMARIO - Class B Filing Fee ($140.00) Paid for: - By William D. Bishop PC
10.	19-Jun-2015	ORDERED: Motion for Pro Per Representation for Appellate Issues (Appellant) = GRANTED/COA shall amend record by removing Elizabeth J Martinez as attorney of record on appeal for appellant. FURTHER ORDERED: Consolidating case 1 CA-CV 15-0316 with 1 CA-CV 15-0317. Case No. 1 CA-CV 15-0316 is designated primary number and above caption shall be used on all future documents. FURTHER ORDERED: Appellee's filing fee in amount of $140 for appeal 1 CA-CV 15-0316 is due on/before 6/26/15. FURTHER ORDERED: Appellee's filing fee in amount of $140 for appeal 1 CA-CV 15-0317 is due on/before 6/29/15. FURTHER ORDERED: Opening brief is due on 7/27/15. Melina Brill ProTem Judge - Author
11.	12-Jul-2015	FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
12.	14-Jul-2015	ORDERED: Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-27-2015 to Wednesday, 08-26-2015. Melina Brill ProTem Judge - Author
13.	22-Jul-2015	FILED: Notice of Filing and Serving of 8/24/12 Proceeding; Certification of Service (Appellant Pro Per)
14.	22-Jul-2015	FILED: Reporter's Transcript of Proceeding - 3/4/14 (J. Marie Moran) (Appellant Pro Per)
15.	22-Jul-2015	FILED: Reporter's Transcript of Proceeding - 8/24/12 (Peggy M Edens) (Appellant Pro Per)
16.	22-Jul-2015	FILED: Notice of Filing and Serving of 1/14/15 Proceeding; Certification of Service (Appellant Pro Per)
17.	22-Jul-2015	FILED: Reporter's Transcript of Proceeding - 1/14/15 (Dorothy Gravelle) (Appellant Pro Per)
18.	22-Jul-2015	FILED: Notice of Filing and Serving of 3/4/14 Proceeding; Certification of Service (Appellant Pro Per)
19.	10-Aug-2015	FILED: Notice of Filing and Serving Transcript of 05/10/2013 Proceedings (Appellant Pro Per)
20.	10-Aug-2015	FILED: Notice of Filing and Serving Transcript of 05/02/2013 Proceedings (Appellant Pro Per)
21.	10-Aug-2015	FILED: (Copy of) Reporters Transcript (05/10/13 [Karen R Bolton])
22.	10-Aug-2015	FILED: (Copy of) Reporters Transcript (05/02/13 [Karen R Bolton])
23.	17-Aug-2015	FILED: Motion for Extension of Time to File Opening Brief (Appellant Pro Per)
24.	19-Aug-2015	ORDERED: Motion for Extension of Time to File Opening Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Wednesday, 08-26-2015 to Friday, 09-25-2015, Due date EXTENDED from Wednesday, 08-26-2015 to Friday, 09-25-2015. Melina Brill ProTem Judge - Author
25.	22-Sep-2015	FILED: Notice of Filing and Serving Transcript of 09/22/2014 Proceeding; Certification of Service (Appellant Pro Per)
26.	22-Sep-2015	FILED: Reporter's Transcript of Proceedings 11/13/13 (Sandra J Worrell) (Appellant Pro Per)
27.	22-Sep-2015	FILED: Reporter's Transcript of Proceedings 9/22/14 (Sandra J Worrell) (Appellant Pro Per)
28.	22-Sep-2015	FILED: Notice of Filing and Serving Transcript of 08/13/2014 Proceeding; Certification of Service (Appellant Pro Per)

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29.	22-Sep-2015	FILED: Reporter's Transcript of Proceedings 8/13/14 (Laura I Blair) (Appellant Pro Per)
30.	22-Sep-2015	FILED: Notice of Filing and Serving Transcript of 12/18/2013 Proceeding; Certification of Service (Appellant Pro Per)
31.	22-Sep-2015	FILED: Reporter's Transcript of Proceedings 12/18/13 (Sandra J Worrell) (Appellant Pro Per)
32.	22-Sep-2015	FILED: Notice of Filing and Serving Transcript of 11/13/2013 Proceeding; Certification of Service (Appellant Pro Per)
33.	30-Sep-2015	FILED: Notice of Filing of USPS Certified Tracking Numbers; Certificate of Service (Appellant Pro Per)
34.	12-Oct-2015	FILED: Motion for Leave to File Opening Brief via Courier & Proceed in Forma Pauperis; Certificate of Service (Appellant Pro Per)
35.	29-Oct-2015	FILED: Notice of Change of Law Firm of Counsel for Respondent; Certificate of Service (Appellee)
36.	3-Nov-2015	FILED: Motion to Dismiss Appellant Appeal; Certificate of Service (Appellee)
37.	4-Nov-2015	ORDERED: Motion for Leave to File Opening Brief via Courier & Proceed in Forma Pauperis (Appellant) = GRANTED in part and allowing appellant to file two hard copies of opening brief w/ this court on/before 11/16/15. FURTHER ORDERED: Appellant shall serve appellee w/ opening brief in accordance w/ ARCAP 4(f). FURTHER ORDERED: Denying appellant's request to proceed in forma pauperis w/o prejudice to appellant filing any necessary paperwork for a waiver of court fees and/or costs. Melina Brill ProTem Judge - Author
38.	16-Nov-2015	FILED: Appellant's Opening Brief (Appellant Pro Per) (stricken per order filed on 12/15/15 - rsl)
39.	19-Nov-2015	FILED: Motion to Dismiss for Failure to Timely File Proper Opening Brief or Alternative Motion to Strike Opening Brief for Exceeding Word Count; Certificate of Service (Appellee)
40.	23-Nov-2015	FILED: Reply to Motion to Dismiss Dated 11/3/15; Certificate of Service; Attachments for reply motion (Appellant Pro Per)
41.	15-Dec-2015	ORDERED: Motion to Dismiss Appellant Appeal (Appellee) = DENIED. FURTHER ORDERED: granting motion to strike and striking opening brief filed on 11/16/15. FURTHER ORDERED: Granting appellant to/including 1/15/16 to file brief that complies with Arizona Rules of Civil Appellate Procedure. Melina Brill ProTem Judge - Author
42.	11-Jan-2016	FILED: Notice Of Filing And Serving Of Transcript Of 11/27/2013 Proceeding; Certificate of Service (Appellant)
43.	11-Jan-2016	FILED: Reporter's Transcript - 11/27/13 - Expedited Telephonic Status Conference (Thelma Neal) (Appellant)
44.	12-Jan-2016	FILED: Reporter's Transcript – 09/29/2014 - Telephonic Status Conference (Thelma J Neal) (Appellant)
45.	12-Jan-2016	FILED: Notice of Filing and Serving of Transcript of 09/29/2014 Proceeding; Certificate of Service (Appellant Pro Per)
46.	12-Jan-2016	FILED: Reporter's Transcript – 05/30/2014 - Telephonic Status Conference (Thelma J Neal) (Appellant Pro Per)
47.	12-Jan-2016	FILED: Certificate of Sevice (of Notice of Filing and Serving of Transcript of 05/30/2014 Proceeding); Certificate of Sevice (of Notice of Filing and Serving of Transcript of 05/30/2014 Proceeding) (duplicate) (Appellant)
48.	13-Jan-2016	FILED: Motion for Extension of Time Brief Due To Transcription ETA Completion ETA Completion Dates of 1/23/16-1/25/16; Certificate of Service of Motion (Appellant)
49.	14-Jan-2016	ORDERED: Motion for Extension of Time Brief Due To Transcription ETA Completion ETA Completion Dates of 1/23/16-1/25/16 (Appellant) = DENIED. FURTHER ORDERED: Opening brief shall be filed on/before 1/25/16. If Opening brief is not filed on/before 1/25/16, court shall dismiss this appeal. Melina Brill ProTem Judge - Author
50.	21-Jan-2016	FILED: Reporter's Transcript - 05/29/2013 - Telephonic Status Conference (Karen Bolton)
51.	21-Jan-2016	FILED: Reporter's Transcript - 03/27/2013 - Status Conference (Karen Bolton)
52.	21-Jan-2016	FILED: Reporter's Transcript - 08/15/2013 - Hearing (Karen Bolton)
53.	21-Jan-2016	FILED: Reporter's Transcript - 02/12/13 - Temporary Orders Hearing (Karen Bolton)
54.	22-Jan-2016	FILED: Notice of Filing and Serving Transcript fo 11/09/2012 Proceeding (Appellant Pro Per)
55.	22-Jan-2016	FILED: Reporter's Transcript - 11/09/2012 - (Christine M Coaly) (Appellant Pro Per)
56.	22-Jan-2016	FILED: Notice of Filing and Serving Transcript of 02/12/2013 Proceeding; Certificate of Service (Appellant Pro Per)

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57.	22-Jan-2016	FILED: Notice of Filing and Serving Transcript of 03/27/2013 Proceeding; Certificate of Service (Appellant Pro Per)
58.	22-Jan-2016	FILED: Notice of Filing and Serving Transcript of 08/15/2013 Proceeding; Certificate of Service (Appellant Pro Per)
59.	22-Jan-2016	FILED: Certificate of Service (re: Notice of Filing and Serving Transcript of the 05/29/2013 Proceeding); Certificate of Service (re: Notice of Filing and Serving Transcript of the 05/29/2013 Proceeding) (duplicate) (Appellant Pro Per)
60.	22-Jan-2016	FILED: Reporter's Transcript – 08/15/2013 - Hearing (Karen Bolton) (Appellant Pro Per)
61.	22-Jan-2016	FILED: Reporter's Transcript – 03/27/2013 - Status Conference (Karen Bolton) (Appellant Pro Per)
62.	22-Jan-2016	FILED: Reporter's Transcript – 05/29/2013 - Telephonic Status Conference (Karen Bolton) (Appellant)
63.	22-Jan-2016	FILED: Reporter's Transcript – 02/12/2013 - Temporary Orders Hearing (Karen Bolton) (Appellant Pro Per)
64.	23-Jan-2016	FILED: Reporter's Transcript - 05/10/2013 - Emergency Evidentiary Hearing (Karen Bolton)
65.	23-Jan-2016	FILED: Reporter's Transcript - 05/02/2013 - Status Conference (Karen Bolton)
66.	25-Jan-2016	FILED: Appellant's Opening Brief; Certification of Service; Certification of Service (duplicate) (Appellant Pro Per) (stricken per order filed 2/24/16 - rsl)
67.	25-Jan-2016	FILED: Proof of Service; Certificate of Service (of Notice of Filing Proof of Service of Items Filed Proceeding on All Counsel/parties of Record by TurboCourt); Service by Email through Turbo Court dated 10/12/15 (Appellant Pro Per)
68.	25-Jan-2016	FILED: Affidavit of Service (of Paralegal Maria Martinez) dated 8/17/15; Certificate of Service (of Notice of Filing Proof of Service of Items Filed Proceeding on All Counsel/parties of Record by TurboCourt); Proof of Service by Unites States Postal Service (Appellant Pro Per)
69.	25-Jan-2016	FILED: Notice of Filing and Serving Transcript of 05/30/2014 Proceeding; Certificate of Service (re: Notice of Filing and Serving Transcript of 05/30/2014 Proceeding) (Appellant Pro Per)
70.	26-Jan-2016	FILED: Appellant's Opening Brief (duplicate); Certificate of Compliance; Certification of Service (duplicate) (Appellant Pro Per) (stricken per order filed 2/24/16 - rsl)
71.	27-Jan-2016	FILED: Motion to Strike Opening Brief and Dismiss Appeal; Certificate of Service (Appellee)
72.	27-Jan-2016	FILED: Motion to Accept Opening Brief; Certificate of Service (Appellant Pro Per)
73.	27-Jan-2016	FILED: Appellant's Opening Brief; Certification of Service; Certification of Service (duplicate) (Appellant Pro Per) (stricken per order filed 2/24/16 - rsl)
74.	5-Feb-2016	FILED: Notice of Filing Proof of Service of Items Filed; Certificate of Service (Appellant Pro Per)
75.	8-Feb-2016	FILED: Notice of Filing and Serving Transcript of 10/10/2014 Transcript (Appellant Pro Per)
76.	8-Feb-2016	FILED: Reporter's Transcript – 10/10/2014 - Deposition of Eric DeMario (Lorraine Milligan) (Appellant Pro Per)
77.	10-Feb-2016	FILED: Response to Motion to Strike and Dismiss & Request for Judicial Notice (Appellant Pro Per)
78.	11-Feb-2016	FILED: Notice of E-Service of 2/10/2016 Filing Due to Undeliverable USPS Mail; Certificate of Service; Exhibits - USPS Tracking and Receipts; Exhibit - Responses to Motion to Strike and Dismiss & Request for Judicial Notice filed 2/10/16 (Appellant Pro Per)
79.	16-Feb-2016	FILED: Notice of Updated Address; Certificate of Service (Appellee)
80.	24-Feb-2016	ORDERED: Motion to Accept Opening Brief (Appellant Pro Per) = DENIED and striking opening brief filed 1/27/16. FURTHER ORDERED: granting motion to strike and striking opening brief filed on 1/25/16 and duplicate of that brief filed on 1/26/16. FURTHER ORDERED: Granting appellant to/including 3/4/16 to file a brief that complies w/ Arizona Rules of Civil Procedure. If appellant fails to timely file a compliant brief, court shall dismiss appeal. FURTHER ORDERED: denying motion to dismiss. Barbara Vidal Vaught ProTem Judge - Author
81.	4-Mar-2016	FILED: Notice of Motion to Withdraw Judicial Notice Filed 02/10/16; Certificate of Service (Appellant)
82.	4-Mar-2016	FILED: Appellant's Opening Brief (Appellant Pro Per)
83.	10-Mar-2016	ORDERED: dismissing this appeal. Barbara Vidal Vaught ProTem Judge - Author (vacated per order filed on 3/10/16 - rsl)

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84.	10-Mar-2016	ORDERED: vacating 3/10/16 order dismissing this appeal. FURTHER ORDERED: Court will take no action on request for judicial notice. Barbara Vidal Vaught ProTem Judge - Author
85.	17-Mar-2016	FILED: Motion to Strike and Motion to Dismiss; Certificate of Service (Appellee)
86.	19-Mar-2016	FILED: Response to Motion to Strike dated 03/17/16; Certificate of Service (Appellant)
87.	4-Apr-2016	FILED: Response to Motion to Dismiss Dated 3/17/2016; Certificate of Service; Death Notices (Appellant)
88.	4-Apr-2016	FILED: Notice of Errata; Certificate of Service (Appellant)
89.	6-Apr-2016	FILED: Reporter's Transcript - 11/09/2012 - Hearing - (Christine M Coaly)
90.	6-Apr-2016	FILED: Notice of Filing and Serving Transcript of 5/29/13 Proceeding (Appellant Pro Per)
91.	12-Apr-2016	FILED: Motion for Extension of Time to Submit Responding Brief or Alternatively Request for Ruling on Motion to Strike and Motion to Dismiss; Certificate of Service (Appellee)
92.	13-Apr-2016	ORDERED: Motion to Strike and Motion to Dismiss (Appellee) = DENIED. FURTHER ORDERED: Denying appellee's request for an award of his attorneys' fees incurred in preparing motion to strike and motion to dismiss. FURTHER ORDERED: extending deadline for appellee to file answering brief to/including 5/31/16. Hon Diane M Johnsen - Author
93.	18-May-2016	FILED: Notice of Filing Motion for Clarification; Certificate of Service; Copy of Motion for Clarification (Appellant)
94.	31-May-2016	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
95.	10-Jun-2016	FILED: Notice of Filing Response to Respondents Motion to Dismiss Motion for Clarification; Certificate of Service; Copy of Petitioner's Response to Motion to Dismiss Motion for Clarification; Copy of Respondent's Motion to Dismiss Motion for Clarification (Appellant)
96.	22-Jun-2016	FILED: Motion to Request an Order to the Superior Court or Alternatively Extend Time for Filing Reply Brief; Certificate of Service; Request for Ruling filed by Appellee (Appellant)
97.	27-Jun-2016	ORDERED: Motion to Request an Order to the Superior Court or Alternatively Extend Time for Filing Reply Brief (Appellant) = GRANTED in part. Reply Brief due date EXTENDED from Monday, 06-27-2016 to Monday, 07-18-2016. Melina Brill ProTem Judge - Author
98.	14-Jul-2016	FILED: Motion to Extend Time for Filing Reply Brief; Certificate of Service (Appellant)
99.	15-Jul-2016	FILED: Notice of Filing Motion to Compel; Certificate of Service; Motion to Compel filed with Superior Court (Appellant)
100.	15-Jul-2016	FILED: Notice of Filing Motion for Summary and Declatory Judgement; Certificate of Service; Motion for Summary and Declatory Judgement; Attachments with the Motion for Summary and Declatory Judgement filed in Superior Court (Appellant)
101.	18-Jul-2016	ORDERED: Motion to Extend Time for Filing Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-18-2016 to Monday, 08-08-2016. Melina Brill ProTem Judge - Author
102.	5-Aug-2016	FILED: Motion to Extend Time for Filing Reply Brief; Certificate of Service (Appellant)
103.	8-Aug-2016	ORDERED: Motion to Extend Time for Filing Reply Brief (Appellant) = DENIED. FURTHER ORDERED: reply brief due 08/18/2016. If reply brief is not filed on/before 08/18/2016, court shall submit this appeal for decision. Barbara Vidal Vaught ProTem Judge - Author
104.	17-Aug-2016	FILED: Motion for Reconsideration to Extend Time for Filing Reply Brief or Alternative; Certificate of service; Attachments A-E (Appellant)
105.	18-Aug-2016	ORDERED: Motion for Reconsideration to Extend Time for Filing Reply Brief or Alternative (Appellant) = DENIED. Hon Andrew W Gould - Author
106.	3-Oct-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
107.	4-Oct-2016	FILED: Request for Leave of Court and Accelerated Ruling on Entire Appeal; Certificate of Service (Appellant)
108.	13-Oct-2016	FILED: Additional Record on Appeal: Exhibits: HD 08/24/2012 - LIST # 2 6 in Manila Envelope; HD 02/12/2013 - LIST # 1 2 3 4 8 9 10 15 in Manila Envelope; HD 05/10/2013 - LIST # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 in Manila Envelope; HD 01/14/2015 - LIST # 10 14 15 22 25 36 40 67 70 74 83 95 96 97 98 103 105 110 118 121 125 127 129 135 136 139 150 152 158 160 163 169 170 171 in a Manila Envelope

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1 CA-CV 15-0317 FC — DEMARIO v. DEMARIO

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109.	20-Oct-2016	FILED: Response to Request for Leave of the Court and Accelerated Ruling; Certificate of Service (Appellee)
110.	28-Oct-2016	CLNDR: CONFERENCE, Department C, 12-7-16, COURTROOM 1.
111.	1-Nov-2016	FILED: Response to Appellee's Response to Request for Leave of the Court and Accelerated Ruling; Certificate of Service; Attachment A - Attachment E (Appellant Pro Per)
112.	3-Nov-2016	ORDERED: denying appellant's request to file a reply brief. FURTHER ORDERED: denying appellant's request to accelerate the appeal. FURTHER ORDERED: affirming this court's 06/27/2016 order that provides the superior court "retains jurisdiction to act so long as that act cannot negate the decision in a pending appeal or frustrate the appeal process." Hon Diane M Johnsen - Author
113.	27-Dec-2016	MEMORANDUM DECISION (Affirmed as Modified) Hon Diane M Johnsen - Author; Hon Jon W Thompson - Concur; Hon Paul J McMurdie - Concur
114.	27-Dec-2016	FILED: Memorandum Decision Distribution List
115.	11-Jan-2017	FILED: Motion to Extend Time for Motion of Reconsideration to Memorandum Decision; Certificate of Service; E-Notification of Decision; Memorandum Decision (Appellant)
116.	17-Jan-2017	ORDERED: Motion to Extend Time for Motion of Reconsideration to Memorandum Decision (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 01-11-2017 to Tuesday, 01-24-2017. Hon Diane M Johnsen - Author

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