Court of Appeals, Division One

Civil - Family Court

1 CA-CV 15-0335 FC — MCDANIEL v. SUNDBERG

Appellate Case Information

Case Filed: 18-May-2015

Case Closed: 9-Jan-2017

Decision

Dept/Composition

Department B

Hon. Kent E Cattani
Hon. Samuel A Thumma
Hon. Randall M Howe

Side 1. In re the Matter of:

KIMBERLEY MCDANIEL, Plaintiff/Appellee

(Litigant Group) KIMBERLEY MCDANIEL

- **Kimberley McDaniel**

Attorneys for: Plaintiff/Appellee

Steven Douglas Sheldon, Esq. (AZ Bar No. 3853)

Side 2. GREGORY SCOTT SUNDBERG, Defendant/Appellant

(Litigant Group) GREGORY SCOTT SUNDBERG

- **Gregory Scott Sundberg**

Attorneys for: Defendant/Appellant

Jeffrey M Zurbriggen, Esq. (AZ Bar No. 16345)

CASE STATUS

Jan 9, 2017.....Case Closed

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	FC2015-051625	Order of Protection		Richard F Albrecht, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-16-0191-PR

CASE DECISION

14-Jul-2016 MEMORANDUM DECISION

Randall Howe.....Author
Kent Cattani.....Concur
Samuel Thumma.....Concur

Filed: **14-Jul-2016** Mandate: **09-Jan-2017**

Decision Disposition
Vacated

50 PROCEEDING ENTRIES

1.	18-May-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/24/15
2.	18-May-2015	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3.	1-Jun-2015	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4.	8-Jun-2015	RECEIPT No.: 2015-00778 ; $280.00, Check Number: 4228, Applied to: GREGORY SCOTT SUNDBERG - Class A Filing Fee ($280.00) Paid for: - By Jeffrey M Zurbriggen PC
5.	15-Jun-2015	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
6.	22-Jun-2015	FILED: Notice of Filing Transcript on Appeal; Certificate of Service; Reporter's Transcript of Proceedings 4/14/15 (Marguerite Leverenz) (Appellant)
7.	22-Jun-2015	FILED: Case Management Statement (Appellant)
8.	24-Jun-2015	FILED: Appellee's Notice of Payment of Filing Fee
9.	24-Jun-2015	RECEIPT No.: 2015-00877 ; $140.00, Check Number: #160, Applied to: KIMBERLEY MCDANIEL - Class B Filing Fee ($140.00) Paid for: Launi Jones-Sheldon LLC - By Launi Jones Sheldon LLC
10.	16-Jul-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Supplemental NOA)

Information presented in this document may not reflect all case activity and is subject to change without notice.

50 PROCEEDING ENTRIES

11.	28-Jul-2015	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service; (Appellant's Opening Brief) Exhibits One thru Five
12.	28-Jul-2015	FILED: Reporter's Transcript of Proceedings 4/14/15 (Marguerite Leverenz); Certificate of Service (Appellant)
13.	11-Sep-2015	FILED: Notice of Appearance; Certificate of Service (Appellee)
14.	11-Sep-2015	FILED: Certificate of Service (Appellee)
15.	11-Sep-2015	FILED: Certificate of Service (Appellee)
16.	11-Sep-2015	FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
17.	15-Sep-2015	ORDERED: Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 09-14-2015 to Tuesday, 10-13-2015. Barbara Vidal Vaught ProTem Judge - Author
18.	13-Oct-2015	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service
19.	13-Oct-2015	FILED: Motion to Dismiss "Supplemental Appeal"; Certificate of Service (Appellee)
20.	2-Nov-2015	FILED: Appellant's Response to Motion to Dismiss Supplemental Appeal; Certificate of Service (Appellant)
21.	7-Nov-2015	FILED: Appellant's Reply Brief; Certificate of Compliance (unsigned); Certificate of Service
22.	17-Nov-2015	FILED: Reply in Support of Motion to Dismiss Supplemental Appeal; Notice of Service (Appellee)
23.	24-Nov-2015	ORDERED: Dismissing as moot that portion of this appeal arising out of the 7/2/15 Supplemental Notice of Appeal. FURTHER ORDERED: Denying the motion to dismiss as moot. FURTHER ORDERED: Denying appellee's request for an award of attorneys' fees incurred in bringing the motion. Barbara Vidal Vaught ProTem Judge - Author
24.	4-Dec-2015	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
25.	14-Dec-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record
26.	14-Dec-2015	FILED: Additional Record on Appeal: Exhibits: HD 4/14/15 - List and # 1 2 3 4 in manila envelope.
27.	29-Dec-2015	CLNDR: CONFERENCE, Department B, 2-2-16, COURTROOM 2. (vacated per order filed on 1/20/16 - rsl)
28.	20-Jan-2016	ORDERED: appellant's supplemental opening brief shall be filed no later than 2/19/16; appellee's supplemental answering brief shall be filed no later than 3/21/16; and appellant's supplemental reply brief shall be filed no later than 4/1/16. Both appellant's supplemental opening brief and appellee's supplemental answering brief shall be no longer than 20 pages in length. Supplemental reply brief shall be no longer than 15 pages in length. FURTHER ORDERED: Vacating conference currently set for 2/2/16. Hon Kent E Cattani Judge - Author
29.	21-Jan-2016	AMENDED ORDER: Appellant's Supplemental Opening Brief shall be filed no later than 2/19/16; Appellee's Supplemental Answering Brief shall be filed no later than 3/21/16; Appellant's Supplemental Reply Brief shall be filed no later than 4/11/16. FURTHER ORDERED: Vacating the conference set for 2/2/16 and staying this appeal until 4/11/16. Hon Kent E Cattani Judge - Author
30.	19-Feb-2016	FILED: Appellant's Supplemental Brief; Appellant's Certificate of Compliance; Certificate of Service re: Appellant's Supplemental Brief
31.	21-Mar-2016	FILED: Motion for Extension of Time to File Supplemental Brief; Certificate of Service (Appellee)
32.	23-Mar-2016	ORDERED: Motion for Extension of Time to File Supplemental Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 03-21-2016 to Tuesday, 04-05-2016. Hon Kent E Cattani - Author
33.	5-Apr-2016	FILED: Appellee's Supplemental Brief; Certificate of Compliance; Certificate of Service
34.	20-Apr-2016	RECEIPT No.: 2016-00464 ; $140.00, Check Number: #160, Applied to: KIMBERLEY MCDANIEL - Overpayment Class B ($140.00) Paid for: - By Launi Jones Sheldon LLC (Memo: x-ref 2015-00877 - Pmt made in error - exempt from fee- refund needed)

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50 PROCEEDING ENTRIES

35.	20-Apr-2016	RECEIPT No.: 2016-00465 ; $280.00, Check Number: #4228, Applied to: GREGORY SCOTT SUNDBERG - Overpayment Class A ($280.00) Paid for: - By Jeffrey M Zurbriggen PC (Memo: x-ref 2015-00778 - pmt made in error - exempt from fee - refund needed)
36.	20-Apr-2016	VOID RECEIPT No.: 2015-00778 - $-280.00, Check Number: 4228, - Applied to: GREGORY SCOTT SUNDBERG - Class A Filing Fee ($-280.00) Paid for: - By: Jeffrey M Zurbriggen PC VOID Reason: x-ref 2016-00465 incorrect receivable type(exempt case) refund needed. alc
37.	20-Apr-2016	VOID RECEIPT No.: 2015-00877 - $-140.00, Check Number: #160, - Applied to: KIMBERLEY MCDANIEL - Class B Filing Fee ($-140.00) Paid for: Launi Jones-Sheldon LLC - By: Launi Jones Sheldon LLC VOID Reason: x-ref 2016-00464 incorrect receivable type (exempt case) refund needed. alc
38.	25-Apr-2016	FILED: Appellant's Supplemental Reply Brief; Certificate of Compliance re: Appellant's Supplemental Reply Brief; Certificate of Service re: Appellant's Supplemental Reply Brief
39.	25-Apr-2016	FILED: Appellants Motion to Accept Supplemental Reply Brief; Certificate of Service (Appellant)
40.	27-Apr-2016	ORDERED: Appellants Motion to Accept Supplemental Reply Brief (Appellant) = GRANTED and accepting Appellant's supplemental reply brief filed 4/25/16. Hon Kent E Cattani Judge - Author
41.	25-May-2016	FILED: Letter, 05/25/2016, from Court to Law Office of Steven D Sheldon, refunding $140.00.00 due to monies submitted in error
42.	26-May-2016	FILED: Letter, 05/26/2016, from Court to Jeffrey M Zurbriggen PC, refunding $280.00 due to monies submitted in error
43.	6-Jun-2016	ORDERED: Setting Conference for 06/06/2016. Hon Kent E Cattani Judge - Author
44.	14-Jul-2016	MEMORANDUM DECISION (Vacated) Hon Randall M Howe - Author; Hon Kent E Cattani Judge - Concur; Hon Samuel A Thumma - Concur
45.	14-Jul-2016	FILED: Memorandum Decision Distrubution List
46.	11-Aug-2016	FILED: ASC Order filed 08/11/2016 re: extending time for filing Petition for Review to 09/02/2016
47.	1-Sep-2016	FILED: Email Notice from ASC re: Petition for Review filed 9/1/16; request for partial record
48.	1-Sep-2016	FILED: Letter forwarding partial record to Arizona Supreme Court
49.	13-Dec-2016	FILED: Letter from ASC, 12/13/2016, re: Petition for Review DENIED on 12/13/2016, Request for Attorneys' Fees (Appellee McDaniel) DENIED on 12/13/2016, Request for Attorneys' Fees (Appellant Sundberg) DENIED on 12/13/2016
50.	9-Jan-2017	FILED: Mandate, Record returned to superior court.

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