Court of Appeals, Division One

Civil - Family Court

1 CA-CV 15-0795 FC — AGUADO-ARROWSMITH v. AGUADO

Appellate Case Information

Case Filed: 2-Dec-2015

Case Closed:

Dept/Composition

Side 1. In re the Matter of:

BARRY AGUADO-ARROWSMITH, Petitioner/Appellee

(Litigant Group) BARRY AGUADO-ARROWSMITH

- **Barry Aguado-Arrowsmith**

Attorneys for: Petitioner/Appellee

Timothy A Forshey, Esq. (AZ Bar No. 13003)

Side 2. MARYELIZABETH AGUADO, Respondent/Appellant

(Litigant Group) MARYELIZABETH AGUADO

- **MaryElizabeth Aguado** PRO SE

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	FC2014-050931	Petition for Dissolution of Marriage (w/children)		Jennifer C Ryan-Touhill, Authoring Judge of Order		

OPEN DUE DATE

Opening Brief due **Due By:** Friday, March 17, 2017

[6 extensions]

Re: FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due

43 PROCEEDING ENTRIES

1.	2-Dec-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/03/15
2.	2-Dec-2015	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3.	10-Dec-2015	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4.	21-Dec-2015	FILED: Application for Deferral or Waiver of Court Fees and/or Costs and Consent to Entry of Judgment (Appellant) (Incomplete)
5.	24-Dec-2015	FILED: Letter, 12/24/15, enclosing Application for Deferral for completion and return
6.	28-Dec-2015	FILED: Case Management Statement (Appellant Pro Per)
7.	7-Jan-2016	FILED: Application for Deferral or Waiver of Court Fees and/or Costs and Consent to Entry of Judgment (Appellant, Pro Per)
8.	7-Jan-2016	ORDERED: Application for Deferral or Waiver of Court Fees and/or Costs and Consent to Entry of Judgment (Appellant, Pro Per) = WAIVER GRANTED for all filing fees/costs of this case that may be waived under ARS Section 12-302(H). Any or all filing fees. Ruth Willingham - Author
9.	11-Jan-2016	FILED: Courtesy copy of Case Management Statement (Appellant Pro Per)
10.	15-Jan-2016	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
11.	21-Jan-2016	RECEIPT No.: 2016-00067 ; $140.00, Check Number: 5302, Applied to: BARRY AGUADO-ARROWSMITH - Class B Filing Fee ($140.00) Paid for: - By Timothy A Forshey PC
12.	28-Jan-2016	FILED: Special Action: Motion to Stay Superior Court Proceedings (Appellant Pro Per)
13.	29-Jan-2016	ORDERED: staying all proceedings in superior court case listed above relating to sale of Trust of property to permit briefing on Appellant's motion. FURTHER ORDERED: Directing Appellee to file a response to Appellant's Motion to Stay on/before 2/10/16. Appellant's response should only address Appellant's request to stay efforts to sell trust property. FURTHER ORDERED: Directing Appellant to file a reply on that issue only on/before 2/17/16. All other relief requested in motion is denied. Hon Patricia A Orozco - Author
14.	3-Feb-2016	FILED: Appellee's Response to Appellant's Special Action Motion to Stay Superior Court Proceedings; Certificate of Service (Appellee)

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

43 PROCEEDING ENTRIES

15.	5-Feb-2016	FILED: Respondent/Appellant Rule 6(b) Motion for Procedural Order for Extension of Time to File Brief; Certificate of Service (Appellant)
16.	8-Feb-2016	FILED: Appellee's Response to Respondent/Appellant's Rule 6(B) Motion for Procedural Order for Extension of Time to File Brief; Certificate of Service (Appellee)
17.	8-Feb-2016	ORDERED: Respondent/Appellant Rule 6(b) Motion for Procedural Order for Extension of Time to File Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 02-08-2016 to Wednesday, 03-09-2016. Barbara Vidal Vaught ProTem Judge - Author
18.	8-Feb-2016	ORDERED: affirming this court's 2/8/16 order extending time for filing opening brief to/including 3/9/16. FURTHER ORDERED: Denying appellee's motion to dismiss appeal and request for an award of attorneys' fees and costs. Barbara Vidal Vaught ProTem Judge - Author
19.	17-Feb-2016	FILED: Reply to Appellant's Special Action Motion to Stay Superior Court Proceedings; Certificate of Service (Appellant)
20.	26-Feb-2016	ORDERED: Denying Appellant's Motion (Special Action: Motion to Stay Superior Court Proceedings). FURTHER ORDERED: denying without prejudice Appellant's request contained in her reply that the court stay this appeal and revest jurisdiction in the superior court to allow it to consider a motion to set aside the decree. Hon Donn Kessler - Author
21.	9-Mar-2016	FILED: Motion to Hold This Appeal in Abayance (Stay The Appeal) and Re-Vest Jurisdiction in the Superior Court to Allow it to Consider a Motion to Set Aside the Decree, Emergency Motion for Temporary Stay Pending Briefing and Ruling of This Motion, or in the Alternative, Motion for Procedural Order to Extend time to File Opening Brief; Certificate of Service (Appellant)
22.	10-Mar-2016	ORDERED: court will rule on motion to stay appeal and re-vest jurisdiction in superior court following expiration of time for a response, and if applicable, a reply. FURTHER ORDERED: Denying emergency motion for a temporary stay of superior court proceedings. Court already denied appellant's motion to stay those proceedings on 2/26/16. FURTHER ORDERED: Vacating 3/9/16 due date for opening brief. Order ruling on pending motion to stay appeal and re-vest jurisdiction will set a due date for filing opening brief, if motion is denied. Hon Kent E Cattani Judge - Author
23.	11-Mar-2016	FILED: Appellee's Response to Appellant's March 9 2016 Omnibus Motion to Hold Appeal in Abayance, for Emergency Motion for Temporary Stay Pending Briefing, and for Procedural Order to Extend Time to File Opening Brief; Certificate of Service (Appellee)
24.	25-Mar-2016	FILED: Motion to Dismiss Appeal; Certificate of Service (Appellee)
25.	29-Mar-2016	ORDERED: Motion to Hold This Appeal in Abeyance (Stay The Appeal) and Re-Vest Jurisdiction in the Superior Court to Allow it to Consider a Motion to Set Aside the Decree, Emergency Motion for Temporary Stay Pending Briefing and Ruling of This Motion = GRANTED and staying appeal to/including 5/13/16 and re-vesting jurisdiction in Maricopa Superior Court to consider a motion to set aside decree. FURTHER ORDERED: On 5/16/16, this appeal shall be automatically reinstated, unless before that date appellant files a motion to dismiss appeal or motion to continue stay of appeal. FURTHER ORDERED: Within 10 days after superior court rules on motion to set aside, appellant shall file a notice with this court with ruling attached. FURTHER ORDERED: If a party wishes ruling on motion to be reviewed in this appeal, a timely notice of appeal or amended notice of appeal must be filed. FURTHER ORDERED: Opening brief shall be due on 6/13/16. Barbara Vidal Vaught ProTem Judge - Author
26.	29-Mar-2016	ORDERED: Motion to Dismiss Appeal; (Appellee) = DENIED and staying appeal to/including 5/13/16 and re-vesting jurisdiction in Maricopa Superior Court to consider a motion to set aside decree. FURTHER ORDERED: On 5/16/16, this appeal shall be automatically reinstated, unless before that date appellant files a motion to dismiss appeal or motion to continue stay of appeal. FURTHER ORDERED: Within 10 days after superior court rules on motion to set aside, appellant shall file a notice with this court with ruling attached. FURTHER ORDERED: If a party wishes ruling on motion to be reviewed in this appeal, a timely notice of appeal or amended notice of appeal must be filed. FURTHER ORDERED: Opening brief shall be due on 6/13/16. Barbara Vidal Vaught ProTem Judge - Author
27.	20-Apr-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (including unsigned Minute Entry dated 4/13/16, filed 4/14/16 re: denying Motion to Set Aside Divorce Decree)
28.	20-Apr-2016	FILED: Additional Record on Appeal: Exhibits: HD 7/2/15 - List and # 1 2 3 5 6 7 8 17 18 39 42 43 44 47 51 in manila envelope.
29.	25-Apr-2016	FILED: Notice to the Court of Superior Courts Ruling Denying Motion to Set Aside Divorce Decree; Certificate of Service (Appellant)

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43 PROCEEDING ENTRIES

30.	27-Apr-2016	ORDERED: Notice to the Court of Superior Courts Ruling Denying Motion to Set Aside Divorce Decree;(Appellant) = GRANTED/continuing stay of this appeal to/including 5/31/16 and revesting jurisdiction in Maricopa Superior Court to consider application by appellant for a signed order corresponding to its minute entry order dated 4/13/16 and filed 4/14/16. FURTHER ORDERED: That w/in 10 days after superior court issues a ruling on application, appellant shall file a notice w/ this court w/ ruling attached. Appeal will be automatically reinstated. FURTHER ORDERED: If appeal has not been reinstated by filing of signed order by 5/31/16, appellant may file a request to continue stay. FUIRTHER ORDERED: Opening brief shall be due on 6/30/16. Melina Brill ProTem Judge - Author
31.	26-May-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Minute Entry dated 5/6/16, filed 5/9/16 re: nunc pro tunc, signing this Court's minute entry dated 4/13/16, filed 4/14/16 re: denying Motion to Set Aside Divorce Decree)
32.	1-Jul-2016	FILED: Motion for a Procedural Order to Hold this Appeal in Abayance (Stay the Appeal) and Re-Vest Jurisdiction in the Superior Court to Allow the State of Arizona to Complete its Claims: Or in the Alternative; Motion For Extension of Time to File Opening Brief; Certificate of service (Appellant)
33.	6-Jul-2016	ORDERED: Motion for a Procedural Order to Hold this Appeal in Abayance (Stay the Appeal) and Re-Vest Jurisdiction in the Superior Court to Allow the State of Arizona to Complete its Claims = DENIED. FURTHER ORDERED: Motion For Extension of Time to File Opening Brief = DENIED. FURTHER ORDERED: Opening Brief due 07-18-2016 or dismissal. Melina Brill ProTem Judge - Author
34.	7-Jul-2016	FILED: Motion for Reconsideration for Delay of Opening Brief; Certificate of Service (Appellant)
35.	7-Jul-2016	FILED: Appellee's Response to Appellant's July 1, 2016 Omnibus Motion for a Procedural Order to Hold Appeal in Abayance and/or Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellee)
36.	7-Jul-2016	FILED: Appellee's Response to Motion for Reconsideration for Delay of Opening Brief; Certificate of Service (Appellee)
37.	12-Jul-2016	ORDERED: Motion for Reconsideration for Delay of Opening Brief (Appellant) = DENIED. FURTHER ORDERED: opening brief due 07/29/2016. FURTHER ORDERED: denying relief requested in appellee's response. Hon Maurice Portley - Author
38.	16-Jul-2016	FILED: Respondent/Appelant (sic) MaryElizabeth Aguado's Notice of Chapter 7 Bankruptcy Filing; Certificate of Service (Appellant)
39.	18-Jul-2016	ORDERED: staying appeal until further order. FURTHER ORDERED: bankruptcy court order terminating stay or dismissing bankruptcy case due within 10 days. Notice of status of bankruptcy proceedings due 01/18/2017. Melina Brill ProTem Judge - Author
40.	28-Oct-2016	FILED: Courtesy Copy - Notice of Chapter 7 or 11 Closed Without Discharge filed in U.S. Bankruptcy Court
41.	17-Jan-2017	FILED: Order of Discharge (United States Bankruptcy Court)
42.	22-Jan-2017	FILED: Superior Court Proceedings; Certificate of Service (Appellant)
43.	14-Feb-2017	ORDERED: terminating stay of this appeal entered by this court on 07/18/2016. FURTHER ORDERED: opening brief due 03/17/2017. Melina Brill ProTem Judge - Author

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