

Court of Appeals, Division One
Civil - Family Court

1 CA-CV 16-0203 FC

MCCREARY v. SILVER

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| <p>Appellate Case Information</p> <p>Case Filed: 18-Apr-2016</p> <p>Case Closed:</p> | <p>Dept/Composition</p> |
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Side 1. In re the Matter of:

KARYN MCCREARY, Petitioner/Appellant-Cross Appellee
(Litigant Group) KARYN MCCREARY

• Karyn McCreary **Attorneys for: Petitioner/Appellant-Cross Appellee**
Erik C Bergstrom, Esq. (AZ Bar No. 15627)

Side 2. ROBIN D SILVER, Respondent/Appellee-Cross Appellant

(Litigant Group) ROBIN D SILVER

• Robin Derek Silver **Attorneys for: Respondent/Appellee-Cross Appellant**
Zachary J Markham, Esq. (AZ Bar No. 9507)
Edward Jakob Walneck, Esq. (AZ Bar No. 32629)

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|----------------------|---|-------------------|---|-------|-------|
| CON S0300DO201400462 | Petition for Dissolution of Marriage (w/children) | | Elaine Fridlund-Horne, Authoring Judge of Order | | |

OPEN DUE DATE

Answer/Cross-Opening Brief due **Due By:** Wednesday, January 4, 2017

*Re: * ORDERED: Motion to Dismiss Appeal as Untimely (Appellee) = DENIED. FURTHER ORDERED: denying appellant/cross-appellee's request for attorneys' fees and costs incurred in connection with the motion to dismiss. FURTHER ORDERED: answering brief/cross-appeal* [1 extension]

36 PROCEEDING ENTRIES

1. 18-Apr-2016 FILED: Index of Record, Notice of Appeal from Coconino County Superior Court filed 04/08/16
2. 18-Apr-2016 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 22-Apr-2016 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4. 27-Apr-2016 FILED: Reporter's Transcript – 09/18/2015 - Court Trial Day 1 (Michelle K Seymour)
5. 27-Apr-2016 FILED: Reporter's Transcript – 10/14/2015 - Trial Day 3 (Lerryn Horton Roberds)
6. 6-May-2016 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
7. 6-May-2016 FILED: Reporters Transcript - 09/25/2015 - Trial Continued (Heidi A Callahan)
8. 11-May-2016 FILED: Case Management Statement; Exhibit "A"; Exhibit "B"; Exhibit "C" (Appellant)
9. 11-May-2016 RECEIPT No.: 2016-00557 ; \$280.00, Authorization: 31014494087, Applied to: KARYN MCCREARY - Class A Filing Fee (\$280.00) Paid for: Warner Angle Hallam Jackson & Formanek PLC - By Integrated Resource Systems IN
10. 11-May-2016 FILED: Notice of Filing Transcript; Certificate of Service; Reporters Transcript - 10/26/2015 - Trial (AV Tranz) (Appellant)
11. 16-May-2016 FILED: Appellee's Notice re: Appellee's Fee; Appellant's Brief
12. 24-May-2016 RECEIPT No.: 2016-00623 ; \$140.00, Check Number: #71216, Applied to: ROBIN D SILVER - Class B Filing Fee (\$140.00) Paid for: - By Aspey Watkins & Diesel PLLC
13. 24-May-2016 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee)
14. 20-Jun-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
15. 29-Jun-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Notice of Cross-Appeal filed 4/28/16)
16. 29-Jun-2016 ORDERED: taking no action on notice of cross-appeal. Melina Brill ProTem Judge - Author (VACATED per order filed 09/27/2016)

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36 PROCEEDING ENTRIES

17. 30-Jun-2016 FILED: Appellee/Cross Appellants Motion to Clarify and Correct Error; Certificate of Service; Exhibit A - Notice of Appeal; Exhibit B - Notice of Cross-Appeal (Appellee)
18. 5-Jul-2016 ORDERED: Vacating the 8/8/16 due date for the Answering Brief. The order ruling on the pending motion will set a due date for filing the Answering Brief. Melina Brill ProTem Judge - Author
19. 28-Jul-2016 ORDERED: staying appeal to allow superior court to rule on a motion by appellee concerning operative date of notice of appeal. Notice with ruling attached due within 10 days after ruling. Upon receipt of superior court's ruling, court will rule on Motion to Clarify and Correct Error. FURTHER ORDERED: written notice of status of proceeding due 09/15/2016. Hon Maurice Portley - Author
20. 11-Aug-2016 FILED: Additional Record on Appeal:
Exhibits: HD 9/18/15 - LIST # 9 10 11 12 14 16 18 19 20 21 22 23 24 31 32; HD 9/25/15 - LIST # 1 4 5 6; HD 10/14/15 - LIST # 2 3 7 26; HD 10/26/15 - LIST # 29 in a Box
21. 21-Sep-2016 FILED: Notice of Superior Court Ruling; Certificate of Service; Exhibit A - Order Confirming the Filing Date of Petitioner's Notice of Appeal (Appellee)
22. 27-Sep-2016 ORDERED: reinstating this appeal. FURTHER ORDERED: Appellee/Cross Appellants Motion to Clarify and Correct Error (Appellee) = GRANTED/vacating this court's 06/29/2016 order. FURTHER ORDERED: amending caption in this appeal by adding the designations of "cross-appellant" and "cross-appellee." FURTHER ORDERED: appellee/cross-appellant's additional \$140.00 filing fee, payable to the clerk of this court, is due 10/07/2016. FURTHER ORDERED: answering brief/cross-appeal opening brief shall be due on 11/07/2016. Melina Brill ProTem Judge - Author
23. 28-Sep-2016 FILED: Motion to Dismiss Appeal as Untimely; Certificate of Service (Appellee)
24. 29-Sep-2016 ORDERED: vacating the 11/07/2016 due date for the answering brief/cross-appeal opening brief. The order ruling on pending motion to dismiss will set a due date for filing the answering brief/cross-appeal opening brief, if motion to dismiss is denied. Melina Brill ProTem Judge - Author
25. 3-Oct-2016 RECEIPT No.: 2016-01211 ; \$140.00, Authorization: #77011014658, Applied to: ROBIN D SILVER - Overpayment Class B (\$140.00) Paid for: Aspey Watkins & Diesel PLLC - By Integrated Resources System IN (Memo: x-ref 2016-0623)
26. 10-Oct-2016 FILED: Appellant/Cross-Appellee's Response to Motion to Dismiss Appeal as Untimely; Certificate of Service (Appellant)
27. 11-Oct-2016 RECEIPT No.: 2016-01239 ; \$280.00, Check Number: #71216, Applied to: ROBIN D SILVER - Class A Filing Fee (\$280.00) Paid for: - By Aspey Watkins & Diesel PLLC (Memo: x-ref rcpt 2016-00623)
28. 11-Oct-2016 RECEIPT No.: 2016-01240 ; \$140.00, Check Number: #71216, Applied to: ROBIN D SILVER - Class A Filing Fee (\$140.00) Paid for: - By Aspey Watkins & Diesel PLLC (Memo: x-ref 2016-01239; partial payment)
29. 11-Oct-2016 RECEIPT No.: 2016-01241 ; \$140.00, Authorization: #77011014658, Applied to: ROBIN D SILVER - Class A Filing Fee (\$140.00) Paid for: Aspey Watkins & Diesel PLLC - By Integrated Resource Systems IN (Memo: x-ref 2016-01211)
30. 11-Oct-2016 VOID RECEIPT No.: 2016-00623 - \$-140.00, Check Number: #71216, - Applied to: ROBIN D SILVER - Class B Filing Fee (\$-140.00) Paid for: - By: Aspey Watkins & Diesel PLLC VOID Reason: x-ref 2016-01239 incorrect receivable type.alc
31. 11-Oct-2016 VOID RECEIPT No.: 2016-01239 - \$-280.00, Check Number: #71216, - Applied to: ROBIN D SILVER - Class A Filing Fee (\$-280.00) Paid for: - By: Aspey Watkins & Diesel PLLC (Memo: x-ref rcpt 2016-00623) VOID Reason: x-ref 2016-01240 incorrect paymnet amount. alc
32. 11-Oct-2016 VOID RECEIPT No.: 2016-01211 - \$-140.00, Authorization: #77011014658, - Applied to: ROBIN D SILVER - Overpayment Class B (\$-140.00) Paid for: Aspey Watkins & Diesel PLLC - By: Integrated Resources System IN (Memo: x-ref 2016-0623) VOID Reason: x-ref 2016-01241 incorrect receivable type. alc
33. 19-Oct-2016 FILED: Reply to Wife's Response to Husband's Motion to Dismiss; Certificate of Service (Appellee)
34. 2-Nov-2016 ORDERED: Motion to Dismiss Appeal as Untimely (Appellee) = DENIED. FURTHER ORDERED: denying appellant/cross-appellee's request for attorneys' fees and costs incurred in connection with the motion to dismiss. FURTHER ORDERED: answering brief/cross-appeal opening brief shall be due 12/05/2016. Hon Kenton D Jones Judge - Author
35. 28-Nov-2016 FILED: Appellee/Cross Appellants Motion for Procedural Order for Extension of Time to File Answering Brief/Cross Appeal Opening Brief; Certificate of Service (Appellee)
36. 29-Nov-2016 ORDERED: Appellee/Cross Appellants Motion for Procedural Order for Extension of Time to File Answering Brief/Cross Appeal Opening Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 12-05-2016 to Wednesday, 01-04-2017. Melina Brill ProTem Judge - Author