

# Court of Appeals, Division One

## Civil - Family Court

# 1 CA-CV 22-0258 FC

# SALUS v. MATA

### Appellate Case Information

Case Filed: 22-Apr-2022

Case Closed: 15-May-2024

Decision

### Dept/Composition

#### Department B

Hon. Jennifer M Perkins

Hon. Angela K Paton

Hon. D Steven Williams

### Side 1. In re the Matter of:

**SARRAH SALUS, Petitioner/Appellee**

(Litigant Group) SARRAH SALUS

- Sarah Salus

**Attorneys for: Petitioner/Appellee**

Gina M Becker-Zarling, Esq. (AZ Bar No. 28259)

### Side 2. ERNESTO MATA, Respondent/Appellant

(Litigant Group) ERNESTO MATA

- Ernesto Mata

**Co Counsel for: Respondent/Appellant**

Timothy J Rose, Esq. (AZ Bar No. 31775)

### CASE STATUS

May 15, 2024....Case Closed

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR FC2019-053504	Attorneys Fees		John R Doody, Authoring Judge of Order		

### DESCENDENT CASE (S)

ASC CV-23-0204-PR

### CASE DECISION

#### 01-Jun-2023 MEMORANDUM DECISION

D Williams.....Author

Jennifer Perkins.....Concur

Angela Paton.....Concur

Filed: 01-Jun-2023

Mandate: 15-May-2024

Decision Disposition

**Affirmed**

### 55 PROCEEDING ENTRIES

- 22-Apr-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 03/25/22, Notice of Appeal from Maricopa County Superior Court filed 7/28/22-in Supplemental Record filed 8/25/22
- 22-Apr-2022 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits: Hearing Date 5/26/20 7, 14, 17, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 53, 60, 61, 76, 77, 82, 94, 100, 104 Hearing Date 1/6/22 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 32
- 22-Apr-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 22-Apr-2022 FILED: Additional Record on Appeal:  
Exhibits: Hearing Date 08/30/2019 – List # 1 5 6 7 8 19 20 23 25 29 33 37 43 46 51 52 54 58 64 in Manila Envelope Hearing Date 08/06/2020 List # 2 3 4 6 7 8 9 10 11 12 13 14 15 16 19 20 23 32 33 34 35 36 37 38 39 40(SEALED) 41 42 43 44 45 46 47 48 49 50 51 59 98 99 110 119 125 132 133 134 135 136 137 144 147 148 149 150 151 153 154 155 157 172 173 174 175 176 179 180 181 in a small Box Hearing Date 02/26/2021 – List # 1 2 3 5 6 7 10 12 13 14 15 16 22 29 30 31 32 33 34 35 38 45 46 48 53 54 55 56 57 58 59 60 61 62 63 64 69 71 75 80 in Manila Envelope Hearing Date 06/21/2021 – List # 3 8 10 12 13 14 in Manila Envelope; Hearing Date 10/21/2021 – List # 3 in Manila Envelope Hearing Date 01/06/2022 – List # 14 15 16 17 18 19 20 21 22 23 24 25 26 28 29 30 31 in Manila Envelope all inside a large box
- 9-May-2022 FILED: Notice of Payment; Notice of Filing Certification of Service (Appellant)
- 13-May-2022 RECEIPT No.: 2022-00535 ; \$280.00, Authorization: #33006264956, Applied to: ERNESTO MATA - Class A Filing Fee (\$280.00) Paid for: Rose & Associates PLLC - By nCourt LLC

**Court of Appeals, Division One****Civil - Family Court****1 CA-CV 22-0258 FC****SALUS v. MATA****55 PROCEEDING ENTRIES**

7.	26-May-2022	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
8.	1-Jun-2022	ORDERED: Case management statement must be filed by 06/10/2022. Opening brief remains due 06/21/2022. If statement and brief are not timely filed, court will dismiss appeal. Melina Brill ProTem Judge - Author
9.	6-Jun-2022	FILED: Case Management Statement (Appellant)  [stricken per order filed 06/07/2022]
10.	6-Jun-2022	FILED: Notice of Transcript Order; Notice of Filing Certification of Service (Appellant)  [stricken per 06/07/2022 order]
11.	7-Jun-2022	ORDERED: Striking case management statement filed 06/06/2022. FURTHER ORDERED: Replacement case management statement that complies with Arizona Rules of Civil Appellate Procedure must be filed by 06/17/2022. If replacement case management statement is not timely filed, court may impose sanctions. Melina Brill ProTem Judge - Author
12.	7-Jun-2022	ORDERED: Striking the notice of transcript order filed 06/06/2022. Melina Brill ProTem Judge - Author
13.	9-Jun-2022	FILED: Case Management Statement (Appellant)
14.	9-Jun-2022	FILED: Notice of Transcript Order; Notice of Filing Certification of Service (Appellant)
15.	10-Jun-2022	FILED: Appellee's Notice of Payment of Filing Fee; Certificate of Service (Appellee)
16.	16-Jun-2022	RECEIPT No.: 2022-00659 ; \$140.00, Authorization: Ref1:67009070933, Applied to: SARRAH SALUS - Class B Filing Fee (\$140.00) Paid for: Becker Zarling & Moye Law - By nCourt LLC
17.	21-Jun-2022	FILED: Motion to Extend Time to File Opening Brief; Notice of Filing Certification of Service (Appellant)
18.	21-Jun-2022	ORDERED: Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 06-21-2022 to Thursday, 07-21-2022. If brief is not timely filed, court will dismiss appeal. Melina Brill ProTem Judge - Author
19.	19-Jul-2022	FILED: Reporter's Transcript - 01/06/2022 - Motion to Modify Child Support (Kimberly C. McCright) (Appellant)
20.	21-Jul-2022	FILED: Motion for Procedural Order to Extend Time to File Opening Brief; Notice of Filing Certification of Service (Appellant)
21.	22-Jul-2022	ORDERED: Motion for Procedural Order to Extend Time to File Opening Brief (Appellant) = GRANTED in part, staying appeal, and vacating 07/21/2022 due date for opening brief.FURTHER ORDERED: Within 10 days after filing any additional notices of appeal, appellant shall notify this court of such filing and indicate whether he wishes to consolidate any new appeal with appeal. Appellee will have an opportunity to respond to any such consolidation request. FURTHER ORDERED: Directing appellant to file notice in court by 09/06/2022, indicating status of superior court proceedings if notice pursuant to previous paragraph is not filed before that date. Melina Brill ProTem Judge - Author
22.	29-Jul-2022	FILED: Motion to Consolidate; Certificate of Service (Appellant)
23.	16-Aug-2022	ORDERED: Motion to Consolidate (Appellant) = GRANTED. FURTHER ORDERED: The 07/28/2022 notice of appeal shall be included with appeal. FURTHER ORDERED: Continuing stay of appeal. FURTHER ORDERED: Within 10 days after filing any additional notices of appeal, appellant shall notify court of such filing. FURTHER ORDERED: Directing appellant to file notice in court by 09/06/2022, indicating status of superior court proceedings if notice pursuant to previous paragraph is not filed before that date. Melina Brill ProTem Judge - Author
24.	18-Aug-2022	FILED: Petitioner/Appellant's Motion to Dismiss Appeal; Certificate of Service (Appellee)
25.	25-Aug-2022	FILED: Supplemented Superior Court e-Record with Revised Index of Record [includes Notice of Appeal]
26.	30-Aug-2022	FILED: Response to Motion to Dismiss; Certificate of Service (Appellant)
27.	6-Sep-2022	FILED: Notice to Court re: 12/16/2021 Nunc Pro Tunc Order; Certificate of Service (Appellant)
28.	7-Sep-2022	FILED: Reply to Respondent's/Appellant's Response to Motion to Dismiss; Certificate of Service (Appellee)
29.	15-Sep-2022	ORDERED: Petitioner/Appellant's Motion to Dismiss Appeal (Appellee) = DENIED. Appeal involves 02/23/2022 Rule 78(c) order, 06/28/2022 Rule 78(c) order, and 07/27/2022 Rule 78(c) order. FURTHER ORDERED: Lifting stay of appeal. FURTHER ORDERED: Opening brief due 10/17/2022. Hon Samuel A Thumma - Author
30.	17-Oct-2022	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)

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31.	17-Oct-2022	FILED: (Untitled) Appendices A-D (Appellant) [Stricken per order filed 04/04/2023]
32.	25-Oct-2022	FILED: Reporter's Transcript - 10/21/2021 - Enforcement Review Hearing (Kimberly McCright) (Appellant)
33.	25-Oct-2022	FILED: Reporter's Transcript - 01/06/2022 - Motion to Modify Child Support (Kimberly McCright) (Appellant)
34.	23-Nov-2022	FILED: Appellee's Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
35.	25-Nov-2022	ORDERED: Appellee's Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 11-28-2022 to Wednesday, 12-28-2022. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Barbara Vidal Vaught - Author
36.	27-Dec-2022	FILED: Appellee's 2nd Motion for Extension of Time to File Answering Brief (Expedited Ruling Requested); Certificate of Service (Appellee)
37.	27-Dec-2022	ORDERED: Appellee's 2nd Motion for Extension of Time to File Answering Brief (Expedited Ruling Requested) (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 12-28-2022 to Tuesday, 01-17-2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
38.	17-Jan-2023	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
39.	3-Mar-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
40.	14-Mar-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
41.	29-Mar-2023	CLNDR: CONFERENCE, Department B, 5-23-23, CONFERENCE ROOM.
42.	4-Apr-2023	ORDERED: Striking Respondent/Appellant's appendices from the record. Respondent/Appellant may refile the appendices once all sensitive information is redacted. Hon Jennifer M Perkins - Author
43.	10-Apr-2023	FILED: (Untitled) Appendices A-D (Appellant)
44.	1-Jun-2023	MEMORANDUM DECISION (Affirmed) Hon D Steven Williams - Author; Hon Jennifer M Perkins - Concur; Hon Angela K Paton - Concur
45.	1-Jun-2023	FILED: Memorandum Decision Distribution List
46.	12-Jun-2023	FILED: Petition for Attorney's Fees and Costs Pursuant to ARCAP Rule 21; Certificate of Service (Appellee)
47.	13-Jun-2023	FILED: Amended Petition for Attorney's Fees and Costs Pursuant to ARCAP Rule 21; Certificate of Service (Appellee)
48.	16-Jun-2023	FILED: ARCAP Rule 22 Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant)
49.	19-Jul-2023	ORDERED: ARCAP Rule 22 Motion for Reconsideration (Appellant) = DENIED. [sic] ORDERED: Petition for Attorney's Fees and Costs Pursuant to ARCAP Rule 21 (Appellee) = GRANTED in the amount of \$23,604.00. Hon D Steven Williams - Author
50.	4-Aug-2023	FILED: Email Notice from ASC re: Petition for Review filed 8/3/23; request for partial record
51.	4-Aug-2023	FILED: Letter forwarding partial record to Arizona Supreme Court
52.	17-Aug-2023	FILED: Motion to Strike Appellant's Rule 23 Motion for Reconsideration and Request for Sanctions and Penalties; Certificate of Service (Appellee)
53.	29-Aug-2023	ORDERED: Motion to Strike Appellant's Rule 23 Motion for Reconsideration and Request for Sanctions and Penalties (Appellee) = DENIED. FURTHER ORDERED: Denying Appellee's request for penalties and sanctions against Appellant. Appellee must raise any challenge to the timeliness of Appellant's petition for review with the Arizona Supreme Court. Hon D Steven Williams - Author
54.	5-Mar-2024	FILED: Letter from ASC, 03/05/2024, re: Petition for Review DENIED on 03/05/2024. FURTHER ORDERED: Request for Attorneys' Fees (Appellant Mata) = DENIED.
55.	15-May-2024	FILED: Mandate, Physical record to clerk, Maricopa County Superior Court.