

Court of Appeals, Division One

Civil - Family Court

1 CA-CV 22-0610 FC

MILLER v. MILLER

Appellate Case Information

Case Filed: 6-Oct-2022

Case Closed:

Dept/Composition

Department F

Hon. Jennifer B Campbell
Hon. Kent E Cattani
Hon. Anni Hill Foster

Side 1. In re the Matter of:

JULIE D. MILLER, Petitioner/Appellee

(Litigant Group) JULIE D. MILLER

- Julie D Miller

Attorneys for: Petitioner/Appellee

Carlos Noel, Esq. (AZ Bar No. 27609)

Kip M Micuda, Esq. (AZ Bar No. 11921)

Side 2. RYAN S. MILLER, Respondent/Appellant

(Litigant Group) RYAN S. MILLER

- Ryan S Miller

Attorneys for: Respondent/Appellant

C Cole Bastian, Esq. (AZ Bar No. 23582)

Amy Wilkins Hoffman, Esq. (AZ Bar No. 22762)

CASE STATUS

Mar 19, 2024....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR FC2021-007929	Determination regarding Jurisdiction		Tracey Westerhausen, Authoring Judge of Order		
MAR FC2022-090017					

3 OPEN DUE DATES

Motion for Reconsideration due

Due By:

Wednesday, April 3, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Jennifer B Campbell - Concur; Hon Anni Hill Foster - Concur

Response to Costs due

Due By:

Monday, April 8, 2024

Re: FILED: Petitioner/Appellee's Statement of Costs; Certificate of Service (Appellee)

Petition for Review to ASC due

Due By:

Thursday, April 18, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Jennifer B Campbell - Concur; Hon Anni Hill Foster - Concur

PENDING MATTER

General Motion

Filed: 25-Mar-2024

Petitioner/Appellee's Statement of Costs (Appellee)

CASE DECISION

19-Mar-2024 MEMORANDUM DECISION

Amended Per Order Filed 3-22-24

Filed:

19-Mar-2024

Mandate:

Kent Cattani.....Author

Jennifer Campbell.....Concur

Anni Foster.....Concur

Decision Disposition

Affirmed

34 PROCEEDING ENTRIES

1. 6-Oct-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 09/07/22

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2. 6-Oct-2022 FILED: e-Record on Appeal: (FC2021-007929)
Instruments/Minute Entries
Exhibits: Hearing Date 7/26/22 1, 3, 6, 9, 13, 24, 38, 39, 40, 44, 45, 47, 55, 58, 59, 63, 64, 75, 76, 95, 96
3. 7-Oct-2022 FILED: e-Record on Appeal: (FC2022-090017)
Instruments/Minute Entries
Exhibits: None
4. 7-Oct-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 13-Oct-2022 RECEIPT No.: 2022-01068 ; \$280.00, Check Number: #2147, Applied to: RYAN S. MILLER - Class A Filing Fee (\$280.00) Paid for: - By Bastian Law Offices PLC
6. 20-Oct-2022 ORDERED: (per Sorensen v. Farmers) staying appeal until 11/18/2022. Signed order with certification of finality pursuant to Rule 78(c) and the pending motions due within 10 days after its entry. FURTHER ORDERED: Vacating 10/27/2022 due date for the case management statement and 12/06/2022 due date for the opening brief. Court will address briefing schedule after superior court rules on motions. Melina Brill ProTem Judge - Author
7. 24-Oct-2022 FILED: Notice of Appearance; Certificate of Service (Appellant)
8. 24-Oct-2022 FILED: Notice of Lodging Transcript; Certificate of Service; Reporter's Transcript - 07/26/2022 - (C. Martin Herder) (Appellant)
9. 18-Nov-2022 FILED: Status Report; Certificate of Service (Appellant)
10. 21-Nov-2022 ORDERED: Continuing the stay of this appeal until 12/21/2022, for purposes set forth in this court's 10/20/2022 stay order. FURTHER ORDERED: Within 10 days of superior court ruling on motion, appellant must file a notice of ruling in this court. FURTHER ORDERED: If superior court has not ruled on motion by 12/21/2022, appellant shall file a notice of status of motion in this court. Barbara Vidal Vaught - Author
11. 6-Dec-2022 FILED: Notice of Appearance; Certificate of Service (Appellant)
12. 21-Dec-2022 FILED: Motion to Continue Stay of Appeal Pending Receipt of Signed Orders; Certificate of Service (Appellant)
13. 22-Dec-2022 ORDERED: Motion to Continue Stay of Appeal Pending Receipt of Signed Orders (Appellant) = GRANTED and continuing stay of this appeal until 01/20/2023. FURTHER ORDERED: Within 10 days of superior court ruling on motions, appellant must file a notice of rulings in this court. FURTHER ORDERED: If superior court has not ruled on motions by 01/20/2023, appellant shall file a notice of status of superior court proceedings. FURTHER ORDERED: If a party wants this court to review any additional rulings, that party must file a timely notice of appeal or amended notice of appeal. Melina Brill ProTem Judge - Author
14. 20-Jan-2023 FILED: Motion to Continue Stay of Appeal Pending Receipt of Signed Orders; Certificate of Service (Appellant)
15. 23-Jan-2023 ORDERED: Motion to Continue Stay of Appeal Pending Receipt of Signed Orders (Appellant) = GRANTED and continuing the stay of this appeal until 02/13/2023. FURTHER ORDERED: Within 10 days of the superior court ruling on the motion, appellant must file a notice of the ruling in this court. FURTHER ORDERED: If the superior court has not ruled on the motion by 02/13/2023, appellant shall file a notice of the status of the superior court proceedings. FURTHER ORDERED: If a party wants this court to review any additional rulings, that party must file a timely notice of appeal or amended notice of appeal. Melina Brill ProTem Judge - Author
16. 6-Feb-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (FC2021-007929) (includes Amended Notice of Appeal, Rule 78(c) Order, and Exhibit 16)
17. 6-Feb-2023 FILED: Notice of Signed Orders; Certificate of Service (Appellant)
18. 7-Feb-2023 ORDERED: Lifting the stay of this appeal. Appellant is reminded that if he wishes for the court to review the 01/26/2023 order, a timely amended notice of appeal must be filed. FURTHER ORDERED: The case management statement is due on 02/21/2023, and the opening brief is due on 03/20/2023. Melina Brill ProTem Judge - Author
19. 17-Feb-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
20. 21-Feb-2023 FILED: Case Management Statement (Appellant)
21. 3-Mar-2023 FILED: Notice of Payment of Appellee Fee; Certificate of Service (Appellee)
22. 9-Mar-2023 RECEIPT No.: 2023-00224 ; \$140.00, Authorization: #68006944789, Applied to: JULIE D. MILLER - Class B Filing Fee (\$140.00) Paid for: Hildebrand Law PC - By nCourt LLC
23. 20-Mar-2023 FILED: Procedural Motion For Extension Of Time (First Request); Certificate of Service (Appellant)

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| 24. | 23-Mar-2023 | ORDERED: Procedural Motion For Extension Of Time (First Request) (Appellant) = GRANTED. Due date EXTENDED from Monday, 03-20-2023 to Monday, 03-27-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author |
| 25. | 27-Mar-2023 | FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant) |
| 26. | 8-May-2023 | FILED: Answering Brief of Petitioner/Appellee; Certificate of Compliance; Certificate of Service (Appellee) |
| 27. | 30-May-2023 | FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant) |
| 28. | 30-Jun-2023 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |
| 29. | 10-Jul-2023 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 30. | 9-Aug-2023 | CLNDR: CONFERENCE, Department F, 9-21-23, COURTROOM 2. |
| 31. | 19-Mar-2024 | MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Jennifer B Campbell - Concur; Hon Anni Hill Foster - Concur |
| 32. | 19-Mar-2024 | FILED: Decision Distribution Notification |
| 33. | 20-Mar-2024 | ORDERED: Directing the Clerk of this court to amend, by interlineation, the caption in the Memorandum Decision issued on 03/19/2024, to reflect the correct spelling of Respondent/Appellant's co-counsel's firm name by changing "Basstian Law Offices, PLC" to "Bastian Law Offices, PLC." Hon Kent E Cattani - Author |
| 34. | 25-Mar-2024 | FILED: Petitioner/Appellee's Statement of Costs; Certificate of Service (Appellee) |