

Court of Appeals, Division One

Civil - Family Court

1 CA-CV 22-0669 FC

DEGUZMAN v. DEGUZMAN

Appellate Case Information

Case Filed: 10-Nov-2022
Case Closed: 17-May-2024

Decision

Dept/Composition

Department D

Hon. Samuel A Thumma
Hon. Jennifer B Campbell
Hon. Michael J Brown

Consolidated with: 1 CA-CV 22-0767 FC

Side 1. In re the Matter of:

KERI ANN DEGUZMAN, Petitioner/Appellee/Cross-Appellant
(Litigant Group) KERI ANN DEGUZMAN

• Keri Ann DeGuzman

Attorneys for: Petitioner/Appellee/Cross-Appellant

Christina S Hamilton, Esq. (AZ Bar No. 9861)

Side 2. BRIAN JUSTO DEGUZMAN, Respondent/Appellant/Cross-Appellee

(Litigant Group) BRIAN JUSTO DEGUZMAN

• Brian Justo DeGuzman

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CASE STATUS

May 17, 2024....Case Closed

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---------------------|--------------------------|-------------------|--------------------------------------------------|-------|-------|
| MAR FC2018-004768 | Attorneys Fees and Costs | | Bradley H Astrowsky, Authoring Judge of Order | | |

CASE DECISION

22-Feb-2024 MEMORANDUM DECISION

Michael Brown.....Author
Samuel Thumma.....Concur
Jennifer Campbell.....Concur

Filed: 22-Feb-2024 Mandate: 17-May-2024

Decision Disposition

Affirmed

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-CV 22-0767 FC DEGUZMAN v DEGUZMAN

53 PROCEEDING ENTRIES

- 10-Nov-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 10/07/22
- 10-Nov-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: Hearing Date 4/26/21 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 21, 30, 31, 32, 33, 35, 36, 38, 39, 41, 42, 43, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 71, 72, 73, 79, 81, 82, 83, 84, 85, 86, 95, 101, 102, 112, 113, 115, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 158, 162, 167 Hearing Date 11/1/21 3, 6, 7 Hearing Date 4/26/21 44 Part 1 44 Part 2 45 Part 1 45 Part 2, 46 Part 1 46 Part 2
- 10-Nov-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 10-Nov-2022 FILED: Additional Record on Appeal:
Physical Exhibits: Hearing Date 10/31/2019 - List # 1 2 3 4 5 6 7 8 13 14 16 17 18 20 23 24 25 26 27 28 29 30 in a Box; Hearing Date 04/15/2020 - List # 1 5 7 8 9 10 14 15 17 18 19 20 22 23 25 26 28 29
30 31 32 33 34 35 36 37 38 39 40 41 42 43 45 46 47 48 49 51 52 53 54 55 58 59 60 66 67 68 69 70 71 72 in a Box
- 28-Nov-2022 RECEIPT No.: 2022-01204 ; \$280.00, Check Number: 1783, Applied to: BRIAN JUSTO DEGUZMAN - Class A Filing Fee (\$280.00) Paid for: Van Wickler Law PLLC - By Van Wickler Law PLLC
- 28-Nov-2022 FILED: Respondent/Appellant's Notice of Pending Motions Pursuant to Rule 9(E)(2), ARCAP; Certificate of Service of Respondent/Appellant's Notice of Pending Motions Pursuant to Rule 9(E)(2), ARCAP (Appellant)

Court of Appeals, Division One**Civil - Family Court****1 CA-CV 22-0669 FC****DEGUZMAN v. DEGUZMAN****53 PROCEEDING ENTRIES**

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| 7. | 30-Nov-2022 | FILED: Case Management Statement (Appellant) |
| 8. | 1-Dec-2022 | ORDERED: (per Sorensen v. Farmers) staying appeal until 01/17/2023. Signed order with certification of finality pursuant to Rule 78(c) due within 10 days after its entry. Vacating 11/30/2022 due date for case management statement and 01/09/2023 due date for opening brief. Court will address briefing schedule after superior court rules on motions. Melina Brill ProTem Judge - Author |
| 9. | 9-Jan-2023 | FILED: Respondent/Appellant's Notice of Errata and Motion to Consolidate; Certificate of Service of Respondent/Appellant's Notice of Errata and Motion to Consolidate (Appellant) |
| 10. | 17-Jan-2023 | FILED: Respondent/Appellant's Notice of Status of Ruling on Pending Motions and Motion to Extend Stay; Certificate of Service of Respondent/Appellant's Notice of Status of Ruling on Pending Motions and Motion to Extend Stay (Appellant) |
| 11. | 17-Jan-2023 | FILED: Amended Case Management Statement (Appellant) |
| 12. | 19-Jan-2023 | ORDERED: Respondent/Appellant's Notice of Status of Ruling on Pending Motions and Motion to Extend Stay (Appellant) = GRANTED and continuing the stay of this appeal until 02/16/2023, for purposes set forth in this court's 12/01/2022 stay order. FURTHER ORDERED: Stay will be lifted automatically 02/16/2023, unless before that date appellant files a motion to continue the stay of appeal that describes status of superior court proceedings. FURTHER ORDERED: Within 10 days after superior court rules on motions, appellant must file a notice in this court with rulings attached. 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 |
| 13. | 1-Feb-2023 | ORDERED: Respondent/Appellant's Notice of Errata and Motion to Consolidate (Appellant) = GRANTED and consolidating cases 1 CA-CV 22-0669 FC and 1 CA-CV 22-0767 FC. Case no. 1 CA-CV 22-0669 FC is designated the primary number, and the above caption must be used on all future documents filed in this appeal. FURTHER ORDERED: Pursuant to the court's 01/19/2023 order in 1 CA-CV 22-0669 FC, continuing the stay of this appeal to allow the superior court to rule on the motions to alter/amend and a motion for entry of an Arizona Rule of Family Law Procedure 78(c) judgment. FURTHER ORDERED: Vacating the 01/17/2023 and 02/27/2023 due dates for the case management statement and opening brief in appeal 1 CA-CV 22-0767 FC. The court will address the consolidated briefing schedule when the stay is lifted. Melina Brill ProTem Judge - Author |
| 14. | 16-Feb-2023 | FILED: Respondent/Appellant's Notice of Status of Ruling on Pending Motions and Motion to Extend Stay; Certificate of Service of Respondent/Appellant's Notice of Status of Ruling on Pending Motions and Motion to Extend Stay (Appellant) |
| 15. | 21-Feb-2023 | ORDERED: Respondent/Appellant's Notice of Status of Ruling on Pending Motions and Motion to Extend Stay (Appellant) = GRANTED and continuing the stay of this appeal until 03/20/2023, for the purposes set forth in this court's 12/01/2022 stay order. FURTHER ORDERED: The stay will be lifted automatically on 03/20/2023, unless before that date appellant files a motion to continue the stay of the appeal that describes the status of the superior court proceedings. FURTHER ORDERED: Within 10 days after the superior court rules on the motions, appellant must file a notice in this court with the rulings attached. 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. | 1-Mar-2023 | FILED: Respondent/Appellant's Notice of Superior Court's Ruling on Motion; Certificate of Service of Respondent/Appellant's Notice of Superior Court's Ruling on Motion (Appellant) |
| 17. | 3-Mar-2023 | ORDERED: Affirming this court's 02/21/2023 order continuing the stay of this appeal until 03/20/2023, to allow the superior court to rule on all pending motions. FURTHER ORDERED: The stay will be lifted automatically on 03/20/2023, unless before that date appellant files a motion to continue the stay of the appeal that describes the status of the superior court proceedings. FURTHER ORDERED: Within 10 days after the superior court rules on the motions, appellant must file a notice in this court with the rulings attached. 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 |
| 18. | 10-Mar-2023 | FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes signed final Rule 78 order and Amended Notice of Appeal, and Notice of Cross-Appeal) [to CVmotions 3/20-ma] |
| 19. | 22-Mar-2023 | FILED: Memorandum: Technical Issues Impacting Electronic Filing (A. Wood) |
| 20. | 22-Mar-2023 | FILED: Appellee's Response to Notice of Status of Ruling on Pending Motion and Motion to Extend Stay; Certificate of Service of Appellee's Response to Notice of Status of Ruling on Pending Motion and Motion to Extend Stay (Appellee) |
| 21. | 22-Mar-2023 | FILED: Respondent/Appellant's Notice Of Status Of Ruling On Pending Motions And Motion To Extend Stay; Certificate of Service of Respondent/Appellant's Notice of Status of Ruling on Pending Motions and Motion to Extend Stay (Appellant) |

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22. 24-Mar-2023 ORDERED: Respondent/Appellant's Notice Of Status Of Ruling On Pending Motions And Motion To Extend Stay (Appellant) = GRANTED and continuing the stay of this appeal until 04/21/2023, to allow the superior court to rule on all pending motions and petitions. This court does not express an opinion on the merits of any motion or whether the petition for contempt affects the finality of the decree. FURTHER ORDERED: Directing appellant to file a motion in the superior court with this order attached requesting a ruling on all pending motions. FURTHER ORDERED: The stay will be lifted automatically on 04/21/2023, unless before that date appellant files a motion to continue the stay of the appeal that describes the status of the superior court proceedings. FURTHER ORDERED: Within 10 days after the superior court rules on the motions, appellant must file a notice in this court with the rulings attached. FURTHER ORDERED: If the superior court modifies the decree based on the ruling on the petition for contempt and includes Rule 78(c) language, appellant shall file a timely notice of appeal from such judgment. 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
23. 27-Mar-2023 RECEIPT No.: 2023-00295 ; \$140.00, Authorization: #86009222137, Applied to: KERI ANN DEGUZMAN - Class B Filing Fee (\$140.00) Paid for: The Cavanagh Law Firm PA - By nCourt LLC
24. 18-Apr-2023 FILED: Respondent/Appellant's Notice of Superior Court's Ruling on Motions; Certificate of Service of Respondent/Appellant's Notice of Superior Court's Ruling on Motions (Appellant)
25. 20-Apr-2023 FILED: Motion for Procedural Order to Withdraw as Attorney of Record for Respondent/Appellant; Certificate of Service of Respondent/Appellant's Motion for Procedural Order to Withdraw as Attorney of Record for Respondent/Appellant (Appellant)
26. 20-Apr-2023 ORDERED: Motion for Procedural Order to Withdraw as Attorney of Record for Respondent/Appellant (Appellant) = DENIED in its present form. Melina Brill ProTem Judge - Author
27. 21-Apr-2023 FILED: Motion for Procedural Order to Withdraw as Attorney of Record for Respondent/Appellant; Certificate of Service of Respondent/Appellant's Motion for Procedural Order to Withdraw as Attorney of Record for Respondent/Appellant (Appellant)
28. 27-Apr-2023 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: The opening brief is due on 05/30/2023. If the opening brief is not timely filed, the court will dismiss this appeal. FURTHER ORDERED: Motion for Procedural Order to Withdraw as Attorney of Record for Respondent/Appellant (Appellant) = GRANTED. FURTHER ORDERED: Directing the clerk of the court to send this order to appellant personally. Melina Brill ProTem Judge - Author
29. 28-Apr-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes amended notice of appeal/cross-appeal)
30. 1-May-2023 ORDERED: Amending the caption in this appeal by adding the designations of "cross-appellant" and "cross-appellee." The caption shown on this order shall be used on all future documents filed in this appeal. FURTHER ORDERED: Appellee/cross-appellant's additional \$140.00 filing fee, payable to the clerk of the court, is due on 05/10/2023. FURTHER ORDERED: The cross-appeal case management statement is due on 05/15/2023. The opening brief remains due on 05/30/2023. Melina Brill ProTem Judge - Author
31. 5-May-2023 RECEIPT No.: 2023-00417 ; \$140.00, Check Number: #105614, Applied to: KERI ANN DEGUZMAN - Class B Filing Fee (\$140.00) Paid for: - By The Cavanagh Law Firm PA (Memo: Second partial payment)
32. 15-May-2023 RECEIPT No.: 2023-00436 ; \$140.00, Check Number: #105614, Applied to: KERI ANN DEGUZMAN - Class A Upgrade Fee (A-B) (\$140.00) Paid for: - By The Cavanagh Law Firm PA (Memo: X-Ref 2023-00295, 2023-00417)
33. 15-May-2023 VOID RECEIPT No.: 2023-00417 - \$-140.00, Check Number: #105614, - Applied to: KERI ANN DEGUZMAN - Class B Filing Fee (\$-140.00) Paid for: - By: The Cavanagh Law Firm PA (Memo: Second partial payment) VOID Reason: X-Ref: 2023-00436. incorrect receivable type. ala
34. 26-May-2023 FILED: Motion for Procedural Order to Extend the Deadline for Filing Opening Brief; Certificate of Service; (Untitled) Email Correspondence (Appellant/Cross-Appellee Pro Per)
- [Stricken per order filed 05/30/2023]
35. 30-May-2023 FILED: Motion for Procedural Order to Extend the Deadline for Filing Opening Brief (amended with signature); Certificate of Service (Appellant/Cross-Appellee Pro Per)
36. 30-May-2023 ORDERED: Striking the motion filed on 05/26/2023 (motion to extend opening brief). FURTHER ORDERED: Motion for Procedural Order to Extend the Deadline for Filing Opening Brief (amended with signature) (Appellant/Cross-Appellee Pro Per) = GRANTED. Due date EXTENDED from Tuesday, 05-30-2023 to Monday, 07-31-2023. If the brief is not timely filed, the court will dismiss this appeal. FURTHER ORDERED: The case management statement must be filed by 06/12/2023. If the statement is not timely filed, the court will consider imposing sanctions, which may include dismissing this appeal. Melina Brill ProTem Judge - Author
37. 26-Jun-2023 ORDERED: The cross-appeal case management statement must be filed by 07/07/2023. If the statement is not timely filed, the court may impose sanctions including dismissing the cross-appeal. Barbara Vidal Vaught ProTem Judge - Author
38. 30-Jun-2023 FILED: Case Management Statement (Appellee/Cross-Appellant)
39. 1-Aug-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Proof of Service (Appellant Pro Per)

Court of Appeals, Division One**Civil - Family Court****1 CA-CV 22-0669 FC****DEGUZMAN v. DEGUZMAN****53 PROCEEDING ENTRIES**

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| 40. | 10-Aug-2023 | FILED: Appellee's Motion to Dismiss Appeal; Certificate of Service of Appellee's Motion to Dismiss Appeal (Appellee/Cross-Appellant) |
| 41. | 10-Aug-2023 | FILED: Amended Certificate of Service of Appellee's Motion to Dismiss Appeal (Appellee/Cross-Appellant) |
| 42. | 30-Aug-2023 | ORDERED: Appellee's Motion to Dismiss Appeal (Appellee/Cross-Appellant) = DENIED and accepting the opening brief filed on 08/01/2023. Petitioner is reminded that the answering brief/cross-appeal opening brief is due on 09/11/2023. Hon Randall M Howe - Author |
| 43. | 31-Aug-2023 | FILED: Motion to Accept Brief Late with Good Cause; Motion to Accept Brief Late with Good Cause (Certificate of Service) (Appellant/Cross-Appellee Pro Per) |
| 44. | 31-Aug-2023 | ORDERED: Motion to Accept Brief Late with Good Cause (Appellant/Cross-Appellee Pro Per) = DENIED as moot. Melina Brill ProTem Judge - Author |
| 45. | 6-Sep-2023 | FILED: Appellee's Answering Brief and Cross-Appeal; Certificate of Compliance for Appellee's Answering Brief and Cross-Appeal; Certificate of Service of Appellee's Answering Brief and Cross-Appeal (Appellee/Cross-Appellant) |
| 46. | 30-Oct-2023 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |
| 47. | 9-Nov-2023 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 48. | 24-Nov-2023 | CLNDR: CONFERENCE, Department D, 1-10-24, CONFERENCE ROOM. |
| 49. | 22-Feb-2024 | MEMORANDUM DECISION (Affirmed) Hon Michael J Brown - Author; Hon Samuel A Thumma - Concur; Hon Jennifer B Campbell - Concur |
| 50. | 22-Feb-2024 | FILED: Decision Distribution Notification |
| 51. | 11-Mar-2024 | FILED: Application for Attorney's Fees Pursuant to Arizona Rules of Civil Appellate Procedure 21 and the Court's Decision Entered February 22, 2024 (and Costs); Certificate of Service of Appellant's Application and Affidavit for Attorney's Fees; Appellee's China Doll Affidavit (Appellee) |
| 52. | 16-May-2024 | ORDERED: Application for Attorney's Fees Pursuant to Arizona Rules of Civil Appellate Procedure 21 and the Court's Decision Entered February 22, 2024 (and Costs) (Appellee) = GRANTED in the amount of \$6,665.00, and costs in the amount of \$150.90. Hon Michael J Brown - Author |
| 53. | 17-May-2024 | FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court. |