

Court of Appeals, Division One**Civil - Family Court****1 CA-CV 22-0754 FC****POAGE v. BROOKS****Appellate Case Information**

Case Filed: 21-Dec-2022

Case Closed: 8-Apr-2024

Decision**Dept/Composition****Department D**

Hon. Samuel A Thumma

Hon. Jennifer B Campbell

Hon. Michael J Brown

Side 1. In re the Matter of:**RANDY AVERITT POAGE, Petitioner/Appellant****(Litigant Group) RANDY AVERITT POAGE**

- Randy Averitt Poage

Co-Counsel for: Petitioner/Appellant

Jon L Phelps, Esq. (AZ Bar No. 27152)

Side 2. CHRISTINE BROOKS, Respondent/Appellee**(Litigant Group) CHRISTINE BROOKS**

- Christine Brooks

Attorneys for: Respondent/Appellee

Cynthia K Kelley, Esq. (AZ Bar No. 12220)

Brian S Kelley, Esq. (AZ Bar No. 33960)

CASE STATUS

Apr 8, 2024.....Case Closed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR FC2014-050317	Order for Legal Decision Making, Parenting Time and Child Support		Paula A Williams, Authoring Judge of Order		

CASE DECISION**08-Feb-2024 MEMORANDUM DECISION**

Jennifer Campbell.....Author

Samuel Thumma.....Concur

Michael Brown.....Concur

Filed: 08-Feb-2024

Mandate: 08-Apr-2024

Decision Disposition

Affirmed in Part**Vacated****Remanded in Part****33 PROCEEDING ENTRIES**

1.	21-Dec-2022	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/22/22
2.	21-Dec-2022	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: Hearing Date 8/22/22 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13
3.	21-Dec-2022	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4.	29-Dec-2022	FILED: (Untitled) Notice of Payment of Filing Fee; Certificate of Service (Appellant)
5.	4-Jan-2023	RECEIPT No.: 2023-00017 ; \$280.00, Authorization: #04007148869, Applied to: RANDY AVERITT POAGE - Class A Filing Fee (\$280.00) Paid for: Phelps & Moore PLC - By nCourt LLC
6.	13-Jan-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
7.	30-Jan-2023	FILED: Case Management Statement (Appellant)
8.	2-Feb-2023	RECEIPT No.: 2023-00119 ; \$140.00, Authorization: 33005385377, Applied to: CHRISTINE BROOKS - Class B Filing Fee (\$140.00) Paid for: CHRISTINE BROOKS - By nCourt LLC
9.	17-Feb-2023	FILED: Motion For Procedural Order Extending Opening Brief Deadline; Certificate of Service of Motion for Procedural Order Extending Opening Brief Deadline (Appellant)

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10.	22-Feb-2023	ORDERED: Motion For Procedural Order Extending Opening Brief Deadline (Appellant) = GRANTED in part. Due date EXTENDED from Tuesday, 02-21-2023 to Wednesday, 03-29-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
11.	28-Feb-2023	FILED: Renewed Motion for Procedural Order Extending Opening Brief Deadline; Certificate of Service of Renewed Motion for Procedural Order Extending Opening Brief Deadline (Appellant)
12.	1-Mar-2023	ORDERED: Renewed Motion for Procedural Order Extending Opening Brief Deadline (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 03-29-2023 to Thursday, 04-20-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
13.	22-Mar-2023	FILED: Reporter's Transcript - 08/22/2022 - Evidentiary Hearing (Jennifer Bulger)
14.	17-Apr-2023	FILED: Second Motion for Procedural Order Extending Opening Brief Deadline; Certificate Of Service of Second Motion for Procedural Order Extending Opening Brief Deadline (Appellant)
15.	18-Apr-2023	ORDERED: Second Motion for Procedural Order Extending Opening Brief Deadline (Appellant) = GRANTED. Due date EXTENDED from Thursday, 04-20-2023 to Friday, 05-05-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
16.	5-May-2023	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
17.	1-Jun-2023	FILED: Motion for Procedural Order Extending Answering Brief Deadline; Certificate of Service (Appellee)
18.	5-Jun-2023	ORDERED: Motion for Procedural Order Extending Answering Brief Deadline (Appellee) = GRANTED and extending the time to file the answering brief from 06/14/2023 to 07/14/2023. 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
19.	6-Jun-2023	RECEIPT No.: 2023-00496 ; \$140.00, Authorization: 57013009350, Applied to: CHRISTINE BROOKS - Overpayment Class B (\$140.00) Paid for: Brian Kelley - By nCourt LLC
20.	11-Jul-2023	FILED: Letter dated 07/11/2023 to Brian S. Kelley from Court re: enclosing check #113362 in the amount of \$140 for refund of monies submitted in error
21.	14-Jul-2023	FILED: Answering Brief of Respondent/Appellee; Certificate of Compliance; Certificate of Service (Appellee)
22.	28-Jul-2023	FILED: Motion For Procedural Order Extending Reply Brief Deadline; Certificate of Service of Motion for Procedural Order Extending Reply Brief Deadline (Appellant)
23.	28-Jul-2023	ORDERED: Motion For Procedural Order Extending Reply Brief Deadline (Appellant) = GRANTED. Due date EXTENDED from Thursday, 08-03-2023 to Tuesday, 10-17-2023. If brief is not timely filed, court will submit appeal on record and filed briefs. Melina Brill ProTem Judge - Author
24.	16-Oct-2023	FILED: Notice Of Change Of Law Firm Of Counsel For Respondent/ Appellee; Certificate of Service (Appellee)
25.	17-Oct-2023	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
26.	30-Oct-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
27.	9-Nov-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
28.	24-Nov-2023	CLNDR: CONFERENCE, Department D, 1-10-24, CONFERENCE ROOM.
29.	8-Feb-2024	MEMORANDUM DECISION (Affirmed in Part, Vacated, Remanded in Part) Hon Jennifer B Campbell - Author; Hon Samuel A Thumma - Concur; Hon Michael J Brown - Concur
30.	8-Feb-2024	FILED: Decision Distribution Notification
31.	23-Feb-2024	FILED: Motion to Publish Memorandum Decision; Certificate of Service (Appellant)
32.	14-Mar-2024	ORDERED: Motion to Publish Memorandum Decision (Appellant) = DENIED. Hon Jennifer B Campbell - Author
33.	8-Apr-2024	FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.