

Court of Appeals, Division One**Civil - Family Court****1 CA-CV 22-0764 FC****BURGER v. WALDREN****Appellate Case Information**

Case Filed: 23-Dec-2022

Case Closed:

Dept/Composition**Department F**Hon. Jennifer B Campbell
Hon. Kent E Cattani
Hon. Anni Hill Foster

Consolidated with:

1 CA-CV 23-0210 FC

Side 1. In re the Matter of:**CHRISTINA MARIE BURGER, Petitioner/Appellant****(Litigant Group) CHRISTINA MARIE BURGER**

● Christina Marie Burger

Co-Counsel for: Petitioner/Appellant

Theresa L Seifert, Esq. (AZ Bar No. 23993)

Side 2. TY WALDREN, Respondent/Appellee**(Litigant Group) TY WALDREN**

● Ty Waldren

Attorneys for: Respondent/Appellee

Stanley D Murray, Esq. (AZ Bar No. 7208)

CASE STATUS

Apr 2, 2024.....Pending Closure

PREDECESSOR CASE(S)

MAR FC2021-094839

Cause/Charge/ClassMotion to Alter or Amend
Decree of Dissolution**Judgment/Sentence****Judge, Role <Comments>**Charlene D Jackson,
Authoring Judge of Order**Trial****Dispo****DESCENDENT CASE(S)**

ASC CV-23-0301-PR

OPEN DUE DATE**Stay Request (re: Writ of Certiorari) due****Due By:**

Wednesday, April 17, 2024

Re: Minute Letter of ASC: Petition for Review DENIED

CASE DECISION**30-Nov-2023 MEMORANDUM DECISION**

Anni Foster.....Author

Jennifer Campbell.....Concur

Kent Cattani.....Concur

Filed: 30-Nov-2023

Mandate:

Decision Disposition

Reversed in Part
Remanded**DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)****1 CA-CV 23-0210 FC****BURGER v. WALDREN****35 PROCEEDING ENTRIES**

- 22-Dec-2022 FILED: Motion for Stay of Appeal; Notice of Limited Scope Appearance; Certificate of Service Re: Motion for Stay of Appeal (Appellant)
- 27-Dec-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/28/22
- 27-Dec-2022 FILED: Record on Appeal:
Combined Instruments/Minute Entries
e-Exhibits: Hearing Date 11/16/21 - List and #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27; Hearing Date 11/14/22 - List and #1, 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 46, 47, 52, 55, 58, 59, 60, 63, 65, 66, 71, 72, 75, 80, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 113, 114, 120, 121, 122, 126, 127, 133, 138, 152, 153, 159, 160, 165, 166, 168

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4. 27-Dec-2022 ORDERED: Motion for Stay of Appeal (Appellant) = GRANTED and staying this appeal until 02/10/2023. FURTHER ORDERED: Revesting jurisdiction in MAR County Superior Court and authorizing that court to consider pending motion to alter or amend. FURTHER ORDERED: Directing appellant to file a notice in this court with a copy of ruling within 10 days after its entry. FURTHER ORDERED: If superior court grants the motion, appellant must file a notice in this court that indicates whether appellant intends to pursue this appeal. 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. FURTHER ORDERED: If superior court has not ruled on motion to alter or amend by 02/10/2023, appellant must file a notice in this court regarding status of the motion. Melina Brill ProTem Judge - Author
5. 28-Dec-2022 FILED: Appellate Clerk Notice re: Fees Due
6. 28-Dec-2022 RECEIPT No.: 2022-01301 ; \$280.00, Authorization: #62011344301, Applied to: CHRISTINA MARIE BURGER - Class A Filing Fee (\$280.00) Paid for: Law Offices of Vescio & Seifert PC - By nCourt LLC
7. 3-Feb-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes Ruling on Motion to Alter/Amend)
8. 7-Feb-2023 ORDERED: Lifting the stay of this appeal. Appellant is reminded that if she wishes for the court to review the 01/24/2023 ruling, 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
9. 7-Feb-2023 FILED: Notice of Ruling on Rule 83 Motion to Amend; Certificate of Service Re: Notice of Ruling on Rule 83 Motion to Amend (Appellant)
10. 21-Feb-2023 FILED: Case Management Statement (Appellant)
11. 21-Feb-2023 FILED: Certificate of Service; Certificate of Service (Duplicate); Reporter's Transcript - 11/14/2022 - Trial to The Court (Kimberly McCright) (Appellant)
12. 27-Feb-2023 FILED: Notice of Appearance as Attorney for Appellee; Certificate of Service (Appellee)
13. 1-Mar-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
14. 2-Mar-2023 RECEIPT No.: 2023-00203 ; \$140.00, Authorization: 61006814468, Applied to: TY WALDREN - Class B Filing Fee (\$140.00) Paid for: The Murray Law Offices PC - By nCourt LLC
15. 20-Mar-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service Re: Opening Brief (Appellant)
16. 30-Mar-2023 FILED: Motion for Procedural Order; Certificate Of Service Re: Motion For Procedural Order (Appellant)
17. 4-Apr-2023 ORDERED: Motion for Procedural Order (Appellant) = GRANTED. FURTHER ORDERED: Staying this appeal pending further order of the court and vacating the 05/01/2023 due date for the answering brief. FURTHER ORDERED: Within 10 days after this court assigns a case number to the appeal arising from the 03/17/2023 notice of appeal, and the required filing fee is paid, appellant shall file a notice in this appeal indicating the new case number. Melina Brill ProTem Judge - Author
18. 19-Apr-2023 FILED: Notice Re: Case Number Assigned to March 17, 2023 Notice of Appeal (Motion to Consolidate); Certificate of Service Re: Notice Re: Case Number Assigned to March 17, 2023 Notice of Appeal (Appellant)
19. 20-Apr-2023 ORDERED: Notice Re: Case Number Assigned to March 17, 2023 Notice of Appeal (Motion to Consolidate) (Appellant) = Lifting the stay of appeal 1 CA-CV 22-0764. FURTHER ORDERED: Consolidating cases 1 CA-CV 22-0764 and 1 CA- 23-0210. Case no. 1 CA-CV 22-0764 is designated the primary number, and the above caption must be used on all future documents filed in this appeal. FURTHER ORDERED: Appellee's filing fee of \$140.00 for appeal 1 CA-CV 23-0210, payable to the clerk of the court, is due on 05/04/2023. FURTHER ORDERED: The supplemental opening brief pertaining to appeal 1 CA-CV 23-0210 is due on 06/13/2023. FURTHER ORDERED: The answering brief to both opening briefs shall be due within 40 days after service of the supplemental opening brief. Melina Brill ProTem Judge - Author
20. 24-Apr-2023 FILED: Notice of Appearance as Attorney for Appellee; Certificate of Service (Appellee)
21. 4-May-2023 FILED: Case Management Statement (Appellant)
22. 12-Jun-2023 FILED: Appellant's Opening Brief (Supplemental Opening Brief); Certificate of Compliance; Certificate of Service Re: Supplemental Appellant's Opening Brief (Appellant)
23. 21-Jul-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
24. 10-Aug-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service re: Reply Brief (Appellant)
25. 29-Aug-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
26. 8-Sep-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
27. 26-Sep-2023 CLNDR: CONFERENCE, Department F, 11-9-23, COURTROOM 1.

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| 28. | 30-Nov-2023 | MEMORANDUM DECISION (Reversed in Part, Remanded) Hon Anni Hill Foster - Author; Hon Jennifer B Campbell - Concur; Hon Kent E Cattani - Concur |
| 29. | 30-Nov-2023 | FILED: Memorandum Decision Distribution List |
| 30. | 13-Dec-2023 | FILED: Appellant's Application and Affidavit for Attorney's Fees and Costs; Certificate of Service re: Application and Affidavit for Attorney's Fees and Costs (Appellant) |
| 31. | 15-Dec-2023 | FILED: Objection/Response to Appellant's Application for Attorney's Fees and Costs; Certificate of Service (Appellee) |
| 32. | 27-Dec-2023 | FILED: Email Notice from ASC re: Petition for Review filed 12/21/2023; request for partial record |
| 33. | 27-Dec-2023 | FILED: Letter forwarding partial record to Arizona Supreme Court |
| 34. | 28-Dec-2023 | ORDERED: Appellant's Application and Affidavit for Attorney's Fees and Costs (Appellant) = GRANTED in part and awarding attorneys' fees in the amount of \$17,877.50 and costs in the amount of \$1,366.13 to Appellant and against Appellee. Hon Anni Hill Foster - Author |
| 35. | 2-Apr-2024 | FILED: Letter from ASC, 04/02/2024, re: Petition for Review DENIED on 04/02/2024. FURTHER ORDERED: Request for Attorneys' Fees (Appellee Waldren) = DENIED. FURTHER ORDERED: Request for Attorneys' Fees (Appellant Burger) = GRANTED. |