

Court of Appeals, Division One

Civil - Family Court

1 CA-CV 23-0068 FC

ARCHULETA v. VARGAS

Appellate Case Information

Case Filed: **7-Feb-2023**

Case Closed: **4-Apr-2024**

Decision

Dept/Composition

Department A

Hon. Angela K Paton
Hon. Michael S Catlett
Hon. James B Morse

Side 1. In re the Matter of:

ELIZABETH ARCHULETA, Petitioner/Appellee

(Litigant Group) ELIZABETH ARCHULETA

• Elizabeth Archuleta

PRO SE

(Litigant Group) STATE OF ARIZONA ex rel. DES

• Arizona Department of Economic Security

Attorneys for: Appellee DES

Amber E Pershon, Esq. (AZ Bar No. 31042)

Side 2. ABRAHAM VARGAS, Respondent/Appellant

(Litigant Group) ABRAHAM VARGAS

• Abraham Vargas

PRO SE

CASE STATUS

Apr 4, 2024.....Case Closed

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	FC2021-093920	Petition to Establish Child Support	Harriet M Bernick, Authoring Judge of Order		

2 CASE DECISIONS

23-Feb-2023 ORDER

Vacated

ORDERED: Dismissing this appeal.

Filed: **23-Feb-2023**

Mandate:

Decision Disposition

Dismissed

Melina Brill.....Author

15-Feb-2024 MEMORANDUM DECISION

James Morse.....Author

Angela Paton.....Concur

Michael Catlett.....Concur

Filed: **15-Feb-2024**

Mandate: **04-Apr-2024**

Decision Disposition

Affirmed

39 PROCEEDING ENTRIES

- 7-Feb-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/09/23
- 7-Feb-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
- 8-Feb-2023 ORDERED: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). Appellee's filing fee of \$140.00 is payable on or before 2/23/23. Appellant's Case Management Statement due 2/28/23 and Opening Brief due 4/10/23. FURTHER ORDERED: copy of this order to Arizona Department of Corrections, and copy of order and case management statement form to appellant personally. Amy M Wood - Author
- 15-Feb-2023 FILED: Case Management Statement (Appellant Pro Per)
- 23-Feb-2023 ORDERED: Dismissing this appeal. Melina Brill ProTem Judge - Author
- 24-Feb-2023 FILED: Motion for Extension of Time to Comply with the Court's Order (Appellant Pro Per)

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7.	2-Mar-2023	FILED: Motion for the Reconsideration of the Courts Decision to Dismiss Appellant's Appeal (Appellant Pro Per)
8.	3-Mar-2023	RECEIPT No.: 2023-00211 ; \$140.00, Check Number: 500476324, Applied to: ABRAHAM VARGAS - Class B Filing Fee (\$140.00) Paid for: ABRAHAM VARGAS - By Arizona State Department of Corrections
9.	7-Mar-2023	FILED: State's Notice of Change of Counsel; State's Certificate of Service for Notice of Change of Counsel (Appellee State)
10.	7-Mar-2023	ORDERED: Motion for Extension of Time to Comply with the Court's Order (Appellant Pro Per) = DENIED as unnecessary. FURTHER ORDERED: Requesting that appellee and/or the State of Arizona, Department of Economic Security, file a response to the motion (Motion for the Reconsideration) by 03/21/2023. FURTHER ORDERED: Appellant may file a reply in accordance with ARCAP 6(a)(2). Melina Brill ProTem Judge - Author
11.	14-Mar-2023	RECEIPT No.: 2023-00267 ; \$140.00 Applied to: ABRAHAM VARGAS - Class A Filing Fee (\$140.00) Paid for: ABRAHAM VARGAS - By ARIZONA DEPARTMENT OF CORRECTIONS (Memo: Partial Pmt, Rem \$140 X-Ref 2023-00211)
12.	14-Mar-2023	VOID RECEIPT No.: 2023-00211 - \$-140.00, Check Number: 500476324, - Applied to: ABRAHAM VARGAS - Class B Filing Fee (\$-140.00) Paid for: ABRAHAM VARGAS - By: Arizona State Department of Corrections VOID Reason: X-ref: 2023-00267. incorrect receivable. aa
13.	14-Mar-2023	FILED: Motion to the Court that Appellant has Complied with the Court's Order Dated 02/08/2023 (Appellant Pro Per)
14.	23-Mar-2023	FILED: Memorandum: Technical Issues Impacting Electronic Filing (A. Wood)
15.	23-Mar-2023	FILED: State's Response to Appellant's Motion to Reconsider Dismissal of Appeal; Order Re: Extension and Response; Certificate Of Service For DES's Response To Appellant's Motion To Reconsider Dismissal Of Appeal (Appellee)
16.	30-Mar-2023	FILED: Apellant [sic] Replys to the States Response to Appellant's Motion to Reconsider Dismissal of Appeal (Appellant Pro Per)
17.	10-Apr-2023	ORDERED: Motion for the Reconsideration of the Courts Decision to Dismiss Appellant's Appeal (Appellant Pro Per) = GRANTED, the court exercises its discretion, grants the motion for reconsideration, and reinstates this appeal. FURTHER ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal to/including 05/22/2023. Signed order re: minute entry of 12/29/2022 filed 12/30/2022 due within 10 days after its entry. If appeal reinstated by filing of signed order, opening brief due 06/21/2023. Hon Kent E Cattani - Author
18.	2-Jun-2023	FILED: Motion Advising the Court that the Maricopa County Superior Court has Signed the Minute Entry Court Order (Appellant Pro Per)
19.	2-Jun-2023	FILED: Motion Advising Change of Address of Respondent (Notice of Change of Address) (Appellant Pro Per)
20.	6-Jun-2023	ORDERED: Motion Advising the Court that the Maricopa County Superior Court has Signed the Minute Entry Court Order (Appellant Pro Per) = Lifting the stay of this appeal. FURTHER ORDERED: Pursuant to the 04/10/2023 stay order, the opening brief is due on 06/21/2023. If the opening brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
21.	7-Jun-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
22.	26-Jun-2023	FILED: Motion for Extension of Time for Good Cause (Appellant Pro Per)
23.	27-Jun-2023	ORDERED: Motion for Extension of Time for Good Cause (Appellant Pro Per) = GRANTED. Due date (opening brief) EXTENDED from Wednesday, 06-21-2023 to Monday, 07-24-2023. If the brief is not timely filed, the court will dismiss this appeal. Barbara Vidal Vaught ProTem Judge - Author
24.	10-Jul-2023	FILED: Petition for This Court to Provide Acknowledgement of Receipt of Opening Brief, Also Requesting an Updated Summary Index of Record (Appallant Pro Per)
25.	19-Jul-2023	FILED: Letter, 7/19/23, from Court to Appellant, enclosing copy of docket
26.	25-Jul-2023	FILED: Motion For: Initial Disclosure for Trial Purposes (Opening Brief) (Appellant Pro Per)
27.	28-Jul-2023	ORDERED: Treating the Motion For: Initial Disclosure for Trial Purposes as an Opening Brief. FURTHER ORDERED: Answering Brief due 9/5/23. Melina Brill ProTem Judge - Author
28.	30-Aug-2023	FILED: Appellee State of Arizona's Answering Brief; Certificate of Compliance for State of Arizona's Answering Brief; Certificate of Service for State of Arizona's Answering Brief (Appellee State)
29.	24-Nov-2023	CLNDR: CONFERENCE, Department A, 1-30-24, CONFERENCE ROOM.
30.	16-Jan-2024	FILED: Motion to: Request a Status Update of Outstanding Petition from August of 2023 as Substantial Amount of Time has Passed (with Good Cause Showing) (Appellant Pro Per)

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| 31. | 15-Feb-2024 | RECEIPT No.: 2024-00165 ; \$280.00, Check Number: #1053242, Applied to: ABRAHAM VARGAS - Class A Filing Fee (\$140.00), Overpayment X (\$140.00) Paid for: ABRAHAM VARGAS - By ARIZONA DEPARTMENT OF CORRECTIONS (Memo: X-Ref 2023-00267. Refund needed.) |
| 32. | 15-Feb-2024 | ORDERED: Motion to: Request a Status Update of Outstanding Petition from August of 2023 as Substantial Amount of Time has Passed (with Good Cause Showing) (Appellant Pro Per) = DENIED as moot. Hon James B Morse Jr. - Author |
| 33. | 15-Feb-2024 | MEMORANDUM DECISION (Affirmed) Hon James B Morse Jr. - Author; Hon Angela K Paton - Concur; Hon Michael S Catlett - Concur |
| 34. | 15-Feb-2024 | FILED: Decision Distribution Notification |
| 35. | 27-Feb-2024 | FILED: Letter dated 02/27/2024 to ADCRR from Court re: enclosing check #113742 in the amount of \$140 for refund of monies submitted in error |
| 36. | 1-Mar-2024 | FILED: Motion to Object to Affirmed Ruling as (Good cause will show hereafter) (Motion for Reconsideration) (Appellant Pro Per) |
| 37. | 7-Mar-2024 | FILED: State's Notice of Change of Counsel; State's Certificate of Service for Notice of Change of Counsel (Appellee State) |
| 38. | 12-Mar-2024 | ORDERED: Motion to Object to Affirmed Ruling as (Good cause will show hereafter) (Motion for Reconsideration) (Appellant Pro Per) = DENIED. Hon James B Morse Jr. - Author |
| 39. | 4-Apr-2024 | FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court. |