

# Court of Appeals, Division One

## Civil Appeal

**1 CA-CV 23-0443**

**WOMBLE v. WOMBLE**

### Appellate Case Information

Case Filed: 19-Jul-2023

Case Closed:

### Dept/Composition

#### Department C

Hon. Paul J McMurdie  
Hon. Maria Elena Cruz  
Hon. Cynthia J Bailey

### Side 1. JAMES W & HELEN J WOMBLE TRUST, Plaintiff/Appellant

(Litigant Group) JAMES W & HELEN J WOMBLE TRUST

- James W & Helen J Womble Trust

#### Attorneys for: Plaintiff/Appellant

Mark A Tucker, Esq. (AZ Bar No. 15338)

### Side 2. BEATRICE LAVERNE WOMBLE, Defendant/Appellee

(Litigant Group) BEATRICE LAVERNE WOMBLE

- Beatrice Laverne Womble

#### Attorneys for: Defendant/Appellee

Edward Jakob Walneck, Esq. (AZ Bar No. 32629)

### CASE STATUS

Mar 18, 2024...Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2023-091279	Forcible Detainer		Brian Kaiser, Authoring Judge of Order		
TEMJW CC2023-043475EA			Comments: (none)		

### 2 OPEN DUE DATES

#### Motion for Reconsideration due

Due By:

Tuesday, April 2, 2024

Re: ORDERED: Dismissing this appeal. FURTHER ORDERED: Motion to Dismiss Appeal and Response to Statement of the Case (Appellee) = DENIED as moot. FURTHER ORDERED: Denying Appellee's attorney fee request. Hon Paul J McMurdie - Author

#### Petition for Review to ASC due

Due By:

Wednesday, April 17, 2024

Re: ORDERED: Dismissing this appeal. FURTHER ORDERED: Motion to Dismiss Appeal and Response to Statement of the Case (Appellee) = DENIED as moot. FURTHER ORDERED: Denying Appellee's attorney fee request. Hon Paul J McMurdie - Author

### CALENDAR

Wednesday MONTHLY COURT CASE CALENDAR

24-Apr-2024 Department C; COURTROOM 1

Mixed

### CASE DECISION

#### 18-Mar-2024 ORDER

ORDERED: Dismissing this appeal. FURTHER ORDERED: Motion to Dismiss Appeal and Response to Statement of the Case (Appellee) = DENIED as moot. FURTHER ORDERED: Denying Appellee's attorney fee request.

Filed:

18-Mar-2024

Mandate:

Decision Disposition

**Dismissed**

Paul McMurdie.....Author

### 25 PROCEEDING ENTRIES

- 19-Jul-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/20/23
- 19-Jul-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0443****WOMBLE v. WOMBLE****25 PROCEEDING ENTRIES**

3.	19-Jul-2023	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4.	24-Jul-2023	FILED: Notice of Payment of Filing Fee on Appeal; Certificate of Service (Appellant)
5.	28-Jul-2023	RECEIPT No.: 2023-00697 ; \$280.00, Authorization: #09002849525, Applied to: JAMES W & HELEN J WOMBLE TRUST - Class A Filing Fee (\$280.00) Paid for: Mark A Tucker PC - By nCourt LLC
6.	2-Aug-2023	FILED: Reporter's Transcript - 04/28/2023 - Forcible Entry Detainer (Kim Claeys); Notice of Filing Transcript (Appellant)
7.	2-Aug-2023	FILED: Case Management Statement; Certificate of Service (Appellant)
8.	4-Aug-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
9.	17-Aug-2023	FILED: Notice of Substitution of Counsel; Certificate of Service; Exhibit A (Consent and Authorization) (Appellee)
10.	21-Aug-2023	FILED: Notice of Payment of Filing Fees; Certificate of Service (Appellee)
11.	24-Aug-2023	RECEIPT No.: 2023-00812 ; \$140.00, Authorization: #36009179265, Applied to: BEATRICE LAVERNE WOMBLE - Class B Filing Fee (\$140.00) Paid for: Edward Jakob Walneck - By nCourt LLC
12.	18-Sep-2023	FILED: Appellant's Opening Memorandum; Certificate of Compliance; Certificate of Service (Appellant)
13.	2-Nov-2023	FILED: Appellee's Motion to Extend Time to File Answering Brief; Certificate of Service (Appellee)
14.	3-Nov-2023	ORDERED: Appellee's Motion to Extend Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 11-06-2023 to Friday, 12-22-2023. 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
15.	21-Dec-2023	FILED: Appellee's Motion to Extend Time to File Answering Brief; Certificate of Service (Appellee)
16.	21-Dec-2023	ORDERED: Appellee's Motion to Extend Time to File Answering Brief (Appellee) = GRANTED in part. Due date EXTENDED from Friday, 12-22-2023 to Friday, 01-05-2024. 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
17.	16-Jan-2024	ORDERED: Submitting this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
18.	30-Jan-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
19.	9-Feb-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
20.	20-Feb-2024	ORDERED: Directing the Trust to file a status report by 03/06/2024, stating whether any actual controversy remains as to who is entitled to possess the Property. Beatrice shall respond to the status report by 03/13/2024. If the Trust fails to file a status report or no actual controversy remains, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
21.	22-Feb-2024	FILED: Notice of Association of Counsel; Certificate of Service (Appellant)
22.	22-Feb-2024	FILED: Status of Case; Certificate of Service (Appellant)
23.	26-Feb-2024	CLNDR: CONFERENCE, Department C, 4-24-24, COURTROOM 1.
24.	13-Mar-2024	FILED: Motion to Dismiss Appeal and Response to Statement of the Case; Certificate of Service; Exhibit A (to Motion to Dismiss Appeal and Response to Statement of the Case) (Appellee)
25.	18-Mar-2024	ORDERED: Dismissing this appeal. FURTHER ORDERED: Motion to Dismiss Appeal and Response to Statement of the Case (Appellee) = DENIED as moot. FURTHER ORDERED: Denying Appellee's attorney fee request. Hon Paul J McMurdie - Author