

Court of Appeals, Division One**Civil - Family Court****1 CA-CV 23-0587 FC****HOWIE v. HOWIE****Appellate Case Information**

Case Filed: 25-Sep-2023

Case Closed:

Dept/Composition**Side 1. In re the Matter of:****CHERYL A. HOWIE, Petitioner/Appellee/Cross-Appellant****(Litigant Group) CHERYL A. HOWIE**

- Cheryl A. Howie

Attorneys for: Petitioner/Appellee/Cross-Appellant

Alexandra Sandlin, Esq. (AZ Bar No. 35564)

Donald P Frame, Esq. (AZ Bar No. 16496)

Keith Berkshire, Esq. (AZ Bar No. 24107)

Side 2. SCOTT D. HOWIE, Respondent/Appellant/Cross-Appellee**(Litigant Group) SCOTT D. HOWIE**

- Scott D Howie

Attorneys for: Respondent/Appellant/Cross-Appellee

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

Christopher L Christiansen, Esq. (AZ Bar No. 31370)

CASE STATUS**Apr 19, 2024.....Reinstated Case**

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
CON S0300DO201900439	Spousal Maintenance		Cathleen Brown Nichols, Authoring Judge of Order		

3 OPEN DUE DATES**Response to Attorneys Fees due** **Due By:** Friday, May 17, 2024*Re: FILED: Application and Affidavit for Attorney's Fees and Costs; Certificate of Service (Appellee/Cross-Appellant)***Response to Costs due** **Due By:** Friday, May 17, 2024*Re: FILED: Application and Affidavit for Attorney's Fees and Costs; Certificate of Service (Appellee/Cross-Appellant)***Answering/Cross-Opening Brief Due** **Due By:** Monday, June 10, 2024*Re: FILED: Opening Brief of Respondent/Appellant/Cross-Appellee Scott D. Howie; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)***2 PENDING MATTERS****General Motion** Filed: 3-May-2024*Application and Affidavit for Attorney's Fees and COSTS (Appellee/Cross-Appellant)***General Motion** Filed: 3-May-2024*Application and Affidavit for Attorney's FEES and Costs (Appellee/Cross-Appellant)***44 PROCEEDING ENTRIES**

- 15-Sep-2023 FILED: Clerk's Affidavit of Service of Notice of Appeal
- 25-Sep-2023 FILED: Index of Record, Notice of Appeal from Coconino County Superior Court filed 09/08/23
- 25-Sep-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: None
- 25-Sep-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due

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5.	2-Oct-2023	FILED: Courtesy Copy - Clerk's Notice to Counsel and/or Parties Re: Notice of Cross-Appeal Filed (filed in Maricopa County Superior Court on 9/28/2023)
6.	10-Oct-2023	FILED: Notice of Payment of Appellant's Filing Fee; Certificate of Service (Appellant/Cross-Appellee)
7.	10-Oct-2023	ORDERED: Amending the caption and docket 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. Melina Brill ProTem Judge - Author
8.	16-Oct-2023	RECEIPT No.: 2023-00969 ; \$280.00, Authorization: #89011576586, Applied to: SCOTT D. HOWIE - Class A Filing Fee (\$280.00) Paid for: Edward Jakob Walneck - By nCourt LLC
9.	20-Oct-2023	FILED: Appellate Clerk Notice Re: Appellee/Cross Appellant's Fee and Case Management Statement Due/Appellant/Cross Appellee's Brief Due
10.	3-Nov-2023	FILED: Case Management Statement (Appellee/Cross-Appellant)
11.	3-Nov-2023	ORDERED: Respondent's case management statement must be filed by 11/14/2023. The opening brief remains due on 11/24/2023. If the statement and brief are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
12.	9-Nov-2023	RECEIPT No.: 2023-01049 ; \$280.00, Authorization: #13011582577, Applied to: CHERYL A. HOWIE - Class A Filing Fee (\$280.00) Paid for: Keith Berkshire - By nCourt LLC
13.	14-Nov-2023	FILED: Case Management Statement (Appellant/Cross-Appellee)
14.	16-Nov-2023	FILED: Additional Record on Appeal: Physical Exhibits: Hearing Date 6/16/23 1, 2, 3, 4, 6, 8, 10, 13 Hearing Date 8/10/21 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 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, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 106, 107, 108, 109, 112, 113, 114, 115, 117, 118, 119, 121, 122, 136, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156 Hearing Date 1/17/20 1, 4, 5, 6, 10, 11, 17, 18, 19, 20, 21, 22, 23, 28, 30 all in a large box
15.	22-Nov-2023	FILED: Appellant's Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
16.	24-Nov-2023	ORDERED: Appellant's Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 11-24-2023 to Tuesday, 01-30-2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
17.	5-Jan-2024	FILED: Notice of Filing Transcripts; Certificate of Service (Appellant/Cross-Appellee)
18.	5-Jan-2024	FILED: Reporter's Transcript - 08/12/2021 - Court Trial - Day 1 (Jennie O'Loughlin) (Appellant/Cross-Appellee)
19.	5-Jan-2024	FILED: Reporter's Transcript - 08/13/2021 - Court Trial - Day 2 (Jennie O'Loughlin) (Appellant/Cross-Appellee)
20.	5-Jan-2024	FILED: Reporter's Transcript - 08/16/2021 - Court Trial - Day 3 (Caroline C. Marks) (Appellant/Cross-Appellee)
21.	5-Jan-2024	FILED: Reporter's Transcript - 02/23/2022 - Continued Final Trial - Day 4 (Ivie Larsen) (Appellant/Cross-Appellee)
22.	5-Jan-2024	FILED: Reporter's Transcript - 03/22/2022 - (Continued Court Trial) (Jody Schlaht) (Appellant/Cross-Appellee)
23.	5-Jan-2024	FILED: Reporter's Transcript - 03/23/2022 - Court Trial - Day 6 (Caroline Marks) (Appellant/Cross-Appellee)
24.	5-Jan-2024	FILED: Reporter's Transcript - 03/29/2022 - Continued Final Trial (Jody Schlaht) (Appellant/Cross-Appellee)
25.	5-Jan-2024	FILED: Reporter's Transcript - 04/28/2022 - Continued Final Trial - Day 8 (Jody Schlaht) (Appellant/Cross-Appellee)
26.	5-Jan-2024	FILED: Reporter's Transcript - 04/29/2022 - Day Nine of Court Trial (Volume 1) (Caroline Marks) (Appellant/Cross-Appellee)
27.	5-Jan-2024	FILED: Reporter's Transcript - 04/29/2022 - Court Trial Continued from 04/28/2022 Volume II (Ivie Ann Larsen) (Appellant/Cross-Appellee)
28.	5-Jan-2024	FILED: Reporter's Transcript - 04/29/2022 - Day Nine of Court Trial (Volume 3) (Jennie O'Loughlin) (Appellant/Cross-Appellee)
29.	26-Jan-2024	FILED: Appellant's Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
30.	29-Jan-2024	ORDERED: Appellant's Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 01-30-2024 to Thursday, 03-07-2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
31.	5-Mar-2024	FILED: Appellant's Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant/Cross-Appellee)

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32. 6-Mar-2024 ORDERED: Appellant's Motion to Extend Time to File Opening Brief (Appellant/Cross-Appellee) = GRANTED. Due date EXTENDED from Thursday, 03-07-2024 to Monday, 03-18-2024. If the brief is not filed timely, the court will dismiss this appeal and proceed only with the cross-appeal. Hon David B Gass - Author
33. 18-Mar-2024 FILED: Emergency Motion to Stay Appeal and Revest Jurisdiction; Certificate of Service (Appellee)
34. 19-Mar-2024 FILED: Response to Emergency Motion to Stay Appeal and Revest Jurisdiction; Certificate of Service (Appellant)
35. 19-Mar-2024 ORDERED: Emergency Motion to Stay Appeal and Revest Jurisdiction (Appellee) = DENIED. FURTHER ORDERED: Dismissing respondent's appeal. FURTHER ORDERED: Deeming the cross-appeal the primary appeal. FURTHER ORDERED: Amending the caption in this appeal by designating petitioner as appellant and respondent as appellee. The caption shown on this order shall be used on all future documents filed in this appeal. FURTHER ORDERED: Petitioner—and now appellant—Cheryl A. Howie must file her opening brief by 04/29/2024. If petitioner does not timely file the opening brief, the court will dismiss this appeal. Hon David B Gass - Author
36. 20-Mar-2024 ORDERED: Response to Emergency Motion to Stay Appeal and Revest Jurisdiction (Appellant) = TAKING NO ACTION. Melina Brill ProTem Judge - Author
37. 3-Apr-2024 FILED: Motion to Reinstate Appeal and File Opening Brief; Certificate of Service (Appellee)
38. 11-Apr-2024 FILED: Response and Objection to Motion to Reinstate Appeal and File Opening Brief; Certificate of Service (Appellant)
39. 19-Apr-2024 FILED: Reply in Support of Motion to Reinstate Appeal and File Opening Brief; Certificate of Service (Appellee)
40. 19-Apr-2024 ORDERED: Motion to Reinstate Appeal and File Opening Brief (Appellee) = The court exercises its discretion, grants the motion, and reinstates respondent's appeal. FURTHER ORDERED: Amending the caption by changing the designations of the parties and adding the cross-appeal. All future documents filed in this appeal must use the caption shown on this order. FURTHER ORDERED: Appellant must file the opening brief by 04/29/2024. If the opening brief is not timely filed, the court will dismiss this appeal. FURTHER ORDERED: Awarding petitioner sanctions against respondent's counsel, Edward J. Walneck. Petitioner may file a motion for attorney fees and costs within 10 days. The fees may include time petitioner's counsel incurred responding to the extension motions and the motion to reinstate the appeal and any time spent preparing petitioner's opening brief originally due 04/29/2024. Hon David B Gass - Author
41. 23-Apr-2024 FILED: Motion for Procedural Order Re: Motion for Clarification; Certificate of Service (Appellee/Cross-Appellant)
42. 24-Apr-2024 ORDERED: Motion for Procedural Order Re: Motion for Clarification (Appellee/Cross-Appellant) = GRANTED and amending the caption in this appeal by designating respondent as appellant/cross-appellee and petitioner as appellee/cross-appellant. All future documents filed in this appeal must use the caption shown on this order. Melina Brill ProTem Judge - Author
43. 29-Apr-2024 FILED: Opening Brief of Respondent/Appellant/Cross-Appellee Scott D. Howie; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
44. 3-May-2024 FILED: Application and Affidavit for Attorney's Fees and Costs; Certificate of Service (Appellee/Cross-Appellant)