

Court of Appeals, Division One**Civil - Family Court****1 CA-CV 23-0697 FC****AVERY v. AVERY****Appellate Case Information**Case Filed: **6-Nov-2023**

Case Closed:

Dept/Composition**Side 1. In Re the Matter of:****WENDY KAY AVERY, Petitioner/Appellant****(Litigant Group) WENDY KAY AVERY**• **Wendy Kay Avery**

PRO SE

Side 2. TODD ANTHONY AVERY, Respondent/Appellee**(Litigant Group) TODD ANTHONY AVERY**• **Todd Anthony Avery****Attorneys for: Respondent/Appellee**

Diana I Rader, Esq. (AZ Bar No. 20639)

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR FC2021-094036	Emergency Temporary Orders without Notice		Steven McCarthy, Authoring Judge of Order		

OPEN DUE DATE**Opening Brief due****Due By:****Monday, April 8, 2024***Re: FILED: Appellate Clerk Notice re: Appellant's Fee Deferred/Appellee's Fee Due/Case Management Statement/Brief Due***17 PROCEEDING ENTRIES**

- 6-Nov-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 10/09/23
- 6-Nov-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: Hearing Date 9/9/21 2, 4, 5, 7, 8, 9, 10, 11

Digital Exhibits: Petitioner Hearing Date 7/31/23 12, 15, 17, 18, 19, 20, 27, 30, 31, 64, 68, 69, 72, 80, 83, 90, 91, 92, 93, 94, 95, 96, 101, 0102, 107, 119, 120, 126, 127, 128, 130, 146, 147 Respondent Hearing Date 8/27/23 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 25, 26, 27, 28, 29, 31, 38, 39, 40, 47, 51, 52, 53, 60, 61, 62, 64, 67, 71, 72, 88, 89, 91, 92, 95, 97, 104, 105, 106, 107, 108, 109, 117, 119, 124, 130, 199, 211, 213, 214, 215, 220,
- 6-Nov-2023 FILED: Appellate Clerk Notice re: Continuing Deferral of Fees for Wendy Kay Avery, Appellant
- 6-Nov-2023 FILED: Appellate Clerk Notice re: Appellant's Fee Deferred/Appellee's Fee Due/Case Management Statement/Brief Due
- 21-Nov-2023 FILED: Request to Participate in Pro Bono Program; Untitled Email Correspondence (Proof of Service); Notice of Continuing Fee Deferral (ARS 12-302(I)) (Appellant Pro Per)
- 22-Nov-2023 ORDERED: Request to Participate in Pro Bono Program (Appellant Pro Per) = DENIED. Melina Brill ProTem Judge - Author
- 27-Nov-2023 FILED: Case Management Statement; Copy of Maricopa County Superior Court Order dated 09/12/2023 re: Decree of Dissolution of Marriage; Appellate Clerk Notice (Courtesy Copy of Appellate Clerk Notice re: case no. 1 CA-CV 23-0697) (Appellant Pro Per)
- 20-Dec-2023 FILED: Motion to Stay; Certificate of Service (Appellee)
- 21-Dec-2023 ORDERED: Vacating the 01/05/2024 due date for the opening brief. The order ruling on the pending motion to stay will set a due date to file the opening brief. Melina Brill ProTem Judge - Author
- 26-Dec-2023 RECEIPT No.: 2023-01204 ; \$140.00, Authorization: # 60016663581, Applied to: TODD ANTHONY AVERY - Class B Filing Fee (\$140.00) Paid for: Rader Law Firm PLLC - By nCourt LLC

Court of Appeals, Division One**Civil - Family Court****1 CA-CV 23-0697 FC****AVERY v. AVERY****17 PROCEEDING ENTRIES**

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| 11. | 9-Jan-2024 | ORDERED: Motion to Stay (Appellee) = GRANTED. FURTHER ORDERED: Pursuant to Arizona Rule of Civil Appellate Procedure 3(b), staying this appeal until 02/08/2024. FURTHER ORDERED: Revesting jurisdiction in the Maricopa County Superior Court and authorizing that court to consider the pending application for attorney fees and costs and the motion for reconsideration. This court does not express an opinion regarding the merits of the application or the motion. FURTHER ORDERED: The stay will be lifted automatically on 02/08/2024, unless before that date appellant files a motion to continue the stay of this appeal. FURTHER ORDERED: Within 10 days after the superior court rules on the application and motion, appellant must file a notice in this court with the rulings attached. 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: The opening brief is due on 03/11/2024. Melina Brill ProTem Judge - Author |
| 12. | 5-Feb-2024 | FILED: Courtesy Copy - Maricopa County Superior Court Minute Entry dated 01/23/2024, Ruling on Motion for Reconsideration, filed 01/24/2024; Courtesy Copy - Maricopa County Superior Court Minute Entry dated 01/23/2024, Ruling on Motion for Reconsideration, filed 01/24/2024 (Duplicate) (Appellant) |
| 13. | 5-Feb-2024 | FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes signed Rule 78 Order) |
| 14. | 6-Feb-2024 | ORDERED: Continuing stay of this appeal until 03/07/2024. FURTHER ORDERED: If superior court has not entered a Rule 78(c) judgment by 03/07/2024, appellee must file a motion to continue stay of this appeal that describes status of the matter. FURTHER ORDERED: Opening brief is due on 04/08/2024. If opening brief not timely filed, court will dismiss this appeal. Melina Brill ProTem Judge - Author |
| 15. | 18-Mar-2024 | ORDERED: Affirming the stay of this appeal is lifted and this appeal concerns only the Rule 78(b) dissolution decree. Appellant is reminded that the opening brief is due on 04/08/2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author |
| 16. | 4-Apr-2024 | FILED: Continue Stay Due to Hearing on 4.12.24; Continue Stay Due to Hearing on 4.12.24 (Duplicate) (Certificate of Service) (Appellant Pro Per) |
| 17. | 4-Apr-2024 | ORDERED: Continue Stay Due to Hearing on 4.12.24 (Appellant Pro Per) = DENIED. Appellant is reminded that the opening brief is due on 04/08/2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author |