

**Court of Appeals, Division One**

**Civil - Family Court**

**1 CA-CV 22-0551 FC**

**COLLIER v. JOHNSON**

**Appellate Case Information**

Case Filed: 2-Sep-2022

Case Closed:

**Dept/Composition**

**Department E**

Hon. James B Morse  
Hon. Cynthia J Bailey  
Hon. Brian Y Furuya

**Side 1. In re the Matter of:**

**DAVID B. COLLIER, Petitioner/Appellant**

**(Litigant Group) DAVID B. COLLIER**

• David B Collier

PRO SE

**Side 2. JENNIFER L. JOHNSON, Respondent/Appellee**

**(Litigant Group) JENNIFER L. JOHNSON**

• Jennifer L Johnson

**Attorneys for: Respondent/Appellee**

Kristi A Reardon, Esq. (AZ Bar No. 27624)

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

**CASE STATUS**

Apr 11, 2024.....Pending Closure

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR FC2021-003078	Petition for Dissolution of Non Covenant Marriage with Minor Children		Glenn A Allen, Authoring Judge of Order		

**DESCENDENT CASE(S)**

ASC CV-23-0294-PR

**OPEN DUE DATE**

**Stay Request (re: Writ of Certiorari) due**

**Due By:**

Monday, April 29, 2024

Re: Minute Letter of ASC: Petition for Review DENIED

**CASE DECISION**

**19-Oct-2023 MEMORANDUM DECISION**

Amended Per Order Filed 10-20-2023

Filed: 19-Oct-2023

Mandate:

James Morse.....Author

Cynthia Bailey.....Concur

Brian Furuya.....Concur

Decision Disposition

**Affirmed in Part**

**Vacated**

**Remanded in Part**

**46 PROCEEDING ENTRIES**

- 2-Sep-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 08/05/22
- 2-Sep-2022 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits: Hearing Date 5/12/22 1, 2, 3, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 39, 45, 46, 49, 51, 52, 56, 57, 58, 60, 61, 62, 64
- 2-Sep-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 14-Sep-2022 FILED: Notice of Appearance on Behalf of Appellant; Certificate of Service of Notice of Appearance (Appellant)
- 14-Sep-2022 FILED: Notice of Filing Transcript (Reporter's Transcript - 05/12/2022 - Evidentiary Hearing (Aliza Blumenfeld)); Certificate of Service of Notice of Filing Transcript (Appellant)
- 20-Sep-2022 RECEIPT No.: 2022-00997 ; \$280.00, Authorization: 63005086449, Applied to: DAVID B. COLLIER - Class A Filing Fee (\$280.00) Paid for: Duenas Eden PLC - By nCourt LLC

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7.	22-Sep-2022	FILED: Case Management Statement (Appellant)
8.	23-Sep-2022	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
9.	6-Oct-2022	FILED: Notice of Appearance; Certificate of Service (Appellee)
10.	12-Oct-2022	RECEIPT No.: 2022-01067 ; \$140.00, Authorization: #85007018765, Applied to: JENNIFER L. JOHNSON - Class B Filing Fee (\$140.00) Paid for: Berkshire Law Office PLLC - By nCourt LLC
11.	26-Oct-2022	FILED: Unopposed Motion for procedural Order to Modify (Extend) the Deadline for Filing Opening Brief; Certificate of Service of Unopposed Motion for Procedural Order to Modify (Extend) the Deadline for Filing Opening Brief (Appellant)
12.	27-Oct-2022	ORDERED: Unopposed Motion for procedural Order to Modify (Extend) the Deadline for Filing Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 11-01-2022 to Thursday, 12-01-2022. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
13.	22-Nov-2022	FILED: Unopposed Motion to Suspend Appeal and Revest Jurisdiction; Certificate of Service of Unopposed Motion to Suspend Appeal and Revest Jurisdiction (Appellant)
14.	5-Dec-2022	ORDERED: Unopposed Motion to Suspend Appeal and Revest Jurisdiction (Appellant) = GRANTED. FURTHER ORDERED staying this appeal until 1/17/23. FURTHER ORDERED revesting jurisdiction in the Maricopa County Superior Court and authorizing that court to consider the pending motion to amend and to resolve attorneys fees and costs. FURTHER ORDERED directing appellant to file a notice in this court with a copy of the rulings within 10 days after entry. FURTHER ORDERED that 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 that if superior court has not ruled on the motion to amend by 1/17/23, appellant must file a notice in this court regarding the status of the motion. FURTHER ORDERED vacating the 12/1/22 due date for the opening brief. The court will address the briefing schedule after the superior court rules on the pending motion. Melina Brill ProTem Judge - Author
15.	18-Jan-2023	FILED: Notice Re: Status of Superior Court Ruling; Certificate of Service of Notice Re: Status of Superior Court (Appellant)
16.	19-Jan-2023	ORDERED: Continuing stay of this appeal until 02/17/2023. FURTHER ORDERED: Revesting jurisdiction in MAR County Superior Court and authorizing that court to consider a motion for signed judgment with Rule 78(c) language. It is appellant's responsibility to file the motion in superior court. FURTHER ORDERED: Directing Clerk of MAR County Superior Court to transmit a certified copy of ruling within 10 days after its entry, marked for filing in this appeal. Stay will be lifted automatically when this court receives signed Rule 78(c) judgment. 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 entered a signed Rule 78(c) judgment by 02/17/2023, appellant must file a motion to continue stay of this appeal that describes status of the matter. FURTHER ORDERED: If this court has received signed Rule 78(c) judgment before 02/17/2023, the opening brief is due 03/20/2023. Melina Brill ProTem Judge - Author
17.	27-Jan-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
18.	13-Feb-2023	FILED: Notice Re: Status of Superior Court Ruling; Certificate of Service of Notice Re: Status of Superior Court (Appellant)
19.	20-Mar-2023	FILED: Opening Brief of Respondent/Appellant; Certificate of Compliance for Opening Brief of Petitioner/Appellant; Certificate of Service of Opening Brief of Petitioner/Appellant (Appellant)
20.	26-Apr-2023	FILED: Motion for Procedural Order Re: First Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
21.	26-Apr-2023	ORDERED: Motion for Procedural Order Re: First Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 05-01-2023 to Monday, 05-22-2023. 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
22.	22-May-2023	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
23.	14-Jun-2023	FILED: Unopposed Motion for Procedural Order to Modify (Extend) the Deadline for Filing Reply Brief; Certificate of Service of Unopposed Motion for Procedural Order to Modify (Extend) the Deadline for Filing Reply Brief (Appellant)
24.	14-Jun-2023	ORDERED: Unopposed Motion for Procedural Order to Modify (Extend) the Deadline for Filing Reply Brief (Appellant) = GRANTED and extending the time to file the reply brief from 06/12/2023 to 06/23/2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
25.	23-Jun-2023	FILED: Request for Oral Argument; Certificate of Service (Appellee)
26.	23-Jun-2023	FILED: Reply Brief of Petitioner/Appellant; Certificate of Compliance for Reply Brief of Petitioner/Appellant; Certificate of Service of Reply Brief of Petitioner/Appellant (Appellant)
27.	30-Jun-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
28.	10-Jul-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record

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29.	17-Jul-2023	ORDERED: Request for Oral Argument (Appellee) = GRANTED. Hon David B Gass - Author
30.	26-Jul-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 9-21-23, 09:30 am, COURTROOM 1.
31.	28-Jul-2023	FILED: Notice of Oral Argument
32.	31-Jul-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Dorian Eden on 07/31/2023 (Appellant)
33.	13-Sep-2023	FILED: Return Receipt Re Oral Argument, signed by Kristi Reardon, on 9/13/23 (Appellee)
34.	21-Sep-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 09/21/2023
35.	19-Oct-2023	MEMORANDUM DECISION (Affirmed in Part, Vacated, Remanded in Part) Hon James B Morse Jr. - Author; Hon Cynthia J Bailey - Concur; Hon Brian Y Furuya - Concur
36.	19-Oct-2023	FILED: Memorandum Decision Distribution List
37.	20-Oct-2023	ORDERED: The Clerk of this Court, by interlineation, shall amend the last sentence of paragraph 43 of the Memorandum Decision filed 10/19/2023 by replacing "But as the prevailing party, we award Wife her costs on appeal upon compliance with ARCAP 21." with the following sentence: (see order). FURTHER ORDERED: A copy of this order be sent to each party appearing herein or to the attorney for such party. Hon James B Morse Jr. - Author
38.	2-Nov-2023	FILED: Statement of Costs on Appeal; Certificate of Service (Appellee)
39.	3-Nov-2023	FILED: Petitioner/Appellant's Motion to Reconsider; Certificate of Compliance for Motion to Reconsider; Certificate of Service of Petitioner/Appellant's Motion to Reconsider (Appellant)
40.	28-Nov-2023	ORDERED: Petitioner/Appellant's Motion to Reconsider (Appellant) = DENIED. Hon James B Morse Jr. - Author
41.	11-Dec-2023	FILED: Expedited Motion to Withdraw as Attorney of Record for Petitioner/Appellant with Consent; Certificate of Service of Expedited Motion to Withdraw as Attorney of Record for Petitioner/Appellant with Consent (Appellant)
42.	14-Dec-2023	ORDERED: Expedited Motion to Withdraw as Attorney of Record for Petitioner/Appellant with Consent (Appellant) = GRANTED. Hon James B Morse Jr. - Author
43.	14-Dec-2023	ORDERED: Statement of Costs on Appeal (Appellee) = GRANTED and awarding Appellee \$140.00 in taxable costs. Hon James B Morse Jr. - Author
44.	15-Dec-2023	FILED: Email Notice from ASC re: Petition for Review filed 12/13/2023; request for partial record
45.	15-Dec-2023	FILED: Letter forwarding partial record to Arizona Supreme Court
46.	12-Apr-2024	FILED: Letter from ASC, 04/12/2024, re: Petition for Review DENIED on 04/11/2024.