

Court of Appeals, Division One

Civil - Family Court

1 CA-CV 23-0089 FC

ELLISTON v. ELLISTON

Appellate Case Information

Case Filed: 17-Feb-2023

Case Closed:

Dept/Composition

Department F

Hon. Daniel J Kiley
Hon. Kent E Cattani
Hon. D Steven Williams

Side 1. In re the Matter of:

DAVID ELLISTON, Petitioner/Appellee

(Litigant Group) DAVID ELLISTON

- David Elliston

Attorneys for: Petitioner/Appellee

Michael D Girgenti, Esq. (AZ Bar No. 33711)

Side 2. CINDA ELLISTON, Respondent/Appellant

(Litigant Group) CINDA ELLISTON

- Cinda Elliston

Attorneys for: Respondent/Appellant

Neil Elliot Sherman, Esq. (AZ Bar No. 31400)

Chad Joshua Winger, Esq. (AZ Bar No. 22767)

CASE STATUS

Mar 21, 2024....Under Advisement

Jul 17, 2023.....Reinstated Case

PREDECESSOR CASE(S)

Table with 6 columns: Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: CON, S0300DO202100459, Petition for Dissolution of Marriage Without Children, Brent Davidson Harris, Authoring Judge of Order.

CALENDAR

Thursday MONTHLY COURT CASE CALENDAR

CV Cases

21-Mar-2024 Department F; COURTROOM 1

CASE DECISION

16-Mar-2023 ORDER

Vacated

ORDERED: Dismissing this appeal.

Filed: 16-Mar-2023

Mandate:

Decision Disposition

Dismissed

Barbara Vidal Vaught.....Author

29 PROCEEDING ENTRIES

- 1. 17-Feb-2023 FILED: Index of Record, Notice of Appeal from Coconino County Superior Court filed 01/20/23
2. 17-Feb-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None sent with e-Record
3. 17-Feb-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 27-Feb-2023 FILED: Courtesy Copy of Clerk's Affidavit of Service of Notice of Appeal filed on 02/16/2022 in CON County Superior Court
5. 1-Mar-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
6. 3-Mar-2023 FILED: Case Management Statement; Certificate of Service (Appellant)
7. 3-Mar-2023 FILED: Reporter's Transcript - 12/02/2022 - Trial (Jennie O'Loughlin); Certificate of Service (Appellant)
8. 6-Mar-2023 FILED: Notice of Transcript Order; Certificate of Service (Appellant)
9. 7-Mar-2023 RECEIPT No.: 2023-00214 ; \$280.00, Authorization: #66008794969, Applied to: CINDA ELLISTON - Class A Filing Fee (\$280.00) Paid for: Harris & Winger PC - By nCourt LLC

Court of Appeals, Division One**Civil - Family Court****1 CA-CV 23-0089 FC****ELLISTON v. ELLISTON****29 PROCEEDING ENTRIES**

10. 16-Mar-2023 ORDERED: Dismissing this appeal. Barbara Vidal Vaught - Author
11. 20-Mar-2023 FILED: Motion To Reconsider Dismissal [sic] For Lack Of Jurisdiction Per In Re Marriage Of Gray; Certificate of Compliance; Certificate of Service (Appellant)
12. 23-Mar-2023 ORDERED: Requesting that appellee file a response to the motion by 04/05/2023. FURTHER ORDERED: Appellant may file a reply in accordance with ARCAP 6(a)(2). The court will rule on the motion following expiration of the time for a response and reply. Melina Brill ProTem Judge - Author
13. 30-Mar-2023 FILED: Response to Motion to Reconsider Dismissal for Lack of Jurisdiction Per In Re Marriage of Gray; Order re Response; Certificate of Service (Appellee)
14. 5-Apr-2023 RECEIPT No.: 2023-00326 ; \$140.00, Authorization: #95012043242, Applied to: DAVID ELLISTON - Class B Filing Fee (\$140.00) Paid for: Davis Miles McGuire Gardner - By nCourt LLC
15. 6-Apr-2023 FILED: Reply To Response To Reconsider Dismissal For Lack Of Jurisdiction Per In Re Marriage Of Gray; Order Permitting Reply; Certificate of Service (Appellant)
16. 11-Apr-2023 ORDERED: Staying this appeal. FURTHER ORDERED: Restoring jurisdiction in superior court for purpose of permitting that court to consider/rule on whether the notice of appeal was timely filed. FURTHER ORDERED: Within 10 days from the date of this order, appellant shall file a motion in the superior court with this order attached, requesting a ruling on whether the notice of appeal was timely. FURTHER ORDERED: Within 10 days after the superior court issues a decision, appellant shall file a notice with this court with the decision attached. Upon receipt of the superior court's ruling, this court will rule on the motion to reconsider. FURTHER ORDERED: Directing appellant to file written notice with this court of the status of the superior court proceedings by 06/05/2023. Hon Kent E Cattani - Author
17. 6-Jul-2023 ORDERED: Extending time until 07/17/2023, for appellant to file a notice concerning the superior court proceedings. No further extension will be granted. Barbara Vidal Vaught ProTem Judge - Author
18. 13-Jul-2023 FILED: Notice Regarding Status of Superior Court Proceedings; Certificate of Service; Copy of Coconino County Superior Court Order Filed 07/05/2023 (Appellant)
19. 17-Jul-2023 ORDERED: Lifting the stay. FURTHER ORDERED: Motion To Reconsider Dismissal [sic] For Lack Of Jurisdiction Per In Re Marriage Of Gray (Appellant) = GRANTED and reinstating this appeal. FURTHER ORDERED: The opening brief is due on 08/17/2023. Hon David B Gass - Author
20. 28-Jul-2023 FILED: Motion for Procedural Order: Extension of Opening Brief Deadline; Certificate of Service (Appellant)
21. 28-Jul-2023 ORDERED: Motion for Procedural Order: Extension of Opening Brief Deadline (Appellant) = GRANTED. Due date EXTENDED from Thursday, 08-17-2023 to Monday, 09-18-2023. If brief is not timely filed, court will dismiss this appeal. Melina Brill ProTem Judge - Author
22. 18-Sep-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
23. 20-Sep-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 09/26/2022 10/11/2022 & 11/28/2022 List # 6 14 17 18 28 29 32 37 41 42 43 45 46 48 49 in a manila envelope
24. 25-Oct-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
25. 27-Oct-2023 FILED: Motion for Procedural Order: Extension of Reply Brief Deadline; Certificate of Service (Appellant)
26. 27-Oct-2023 ORDERED: Motion for Procedural Order: Extension of Reply Brief Deadline (Appellant) = GRANTED. Due date EXTENDED from Monday, 11-20-2023 to Monday, 12-11-2023. 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
27. 11-Dec-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
28. 29-Dec-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
29. 26-Jan-2024 CLNDR: CONFERENCE, Department F, 3-21-24, COURTROOM 1.