

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0324

MLADICK v. BERRY

Appellate Case Information

Case Filed: 8-Jun-2023

Case Closed:

Dept/Composition

Side 1. JENNIFER MLADICK, Plaintiff/Appellee

(Litigant Group) JENNIFER MLADICK

• Jennifer Mladick

Attorneys for: Plaintiff/Appellee

Kurt E Hammond, Esq. (AZ Bar No. 12738)

Side 2. JAVAN BERRY, Defendant/Appellant

(Litigant Group) JAVAN BERRY

• Javan Berry

PRO SE

CASE STATUS

Jun 12, 2023....Stayed (until 5/30/24)

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV 2022-006033	Wrongful Death		Richard F Albrecht, Authoring Judge of Order		

4 OPEN DUE DATES

Fee/Distribution List Removal Due

Due By:

Thursday, June 22, 2023

Re: * ORDERED: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). Appellee's filing fee of \$140.00 is payable on or before 6/22/23 Appellant's Case Management Statement due 6/28/23 a

Court Ordered Document due

Due By:

Thursday, May 30, 2024

Rule 54(c) judgment and signed order

Re: * ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 07/24/2023. Signed order re: minute entry of 04/13/2023 filed 04/13/2023 due within 10 days after its entry. If appeal reinstated by filing of signed order,

Case Management Statement due

Due By:

Monday, June 10, 2024

Re: * ORDERED: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). Appellee's filing fee of \$140.00 is payable on or before 6/22/23 Appellant's Case Management Statement due 6/28/23 a

Opening Brief due

Due By:

Monday, July 1, 2024

Re: * ORDERED: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). Appellee's filing fee of \$140.00 is payable on or before 6/22/23 Appellant's Case Management Statement due 6/28/23 a

22 PROCEEDING ENTRIES

- 8-Jun-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/11/23
- 8-Jun-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: None
- 8-Jun-2023 ORDERED: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). Appellee's filing fee of \$140.00 is payable on or before 6/22/23 Appellant's Case Management Statement due 6/28/23 and Opening Brief due 8/7/23. FURTHER ORDERED: copy of this order to Arizona Department of Corrections, and copy of order and case management statement form to appellant personally. Amy M Wood - Author
- 12-Jun-2023 ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 07/24/2023. Signed order re: minute entry of 04/13/2023 filed 04/13/2023 due within 10 days after its entry. If appeal reinstated by filing of signed order, case management statement due 08/03/2023 and opening brief due 08/23/2023. Melina Brill ProTem Judge - Author
- 31-Jul-2023 FILED: Defendant's Motion to Continue Stay (Appellant Pro Per)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0324****MLADICK v. BERRY****22 PROCEEDING ENTRIES**

6. 2-Aug-2023 ORDERED: Defendant's Motion to Continue Stay (Appellant Pro Per) = GRANTED in part and continuing the stay of this appeal until 09/11/2023, for the purposes set forth in this court's 06/12/2023 stay order. FURTHER ORDERED: If this court has received a signed Rule 54(c) default judgment and a signed order before 09/11/2023, the case management statement is due on 09/21/2023, and the opening brief is due on 10/11/2023. Melina Brill ProTem Judge - Author
7. 18-Sep-2023 ORDERED: Directing appellant to file notice in this court by 10/02/2023, indicating whether the superior court entered a Rule 54(c) judgment and signed order. If the judgment and order were entered, appellant shall attach the judgment and order to the notice. If a notice is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
8. 2-Oct-2023 FILED: Defendants [sic] Notice of Rule 54(c) (Appellant Pro Per)
9. 4-Oct-2023 ORDERED: Continuing the stay of this appeal until 11/06/2023, for the purposes set forth in this court's 06/12/2023 stay order: for appellant to file a motion in superior court for a Rule 54(c) judgment corresponding to the 12/08/2022 default judgment and for a signed order corresponding to the 04/13/2023 minute entry ruling on the Rule 60 motion. FURTHER ORDERED: If this court has received a signed Rule 54(c) default judgment and a signed order before 11/06/2023, the case management statement is due on 11/16/2023, and the opening brief is due on 12/06/2023. Melina Brill ProTem Judge - Author
10. 30-Nov-2023 ORDERED: Continuing the stay of this appeal until 01/05/2024, for the purposes set forth in this court's 06/12/2023 stay order. FURTHER ORDERED: If this court has received a signed Rule 54(c) default judgment and a signed order before 01/05/2024, the case management statement is due on 01/16/2024, and the opening brief is due on 02/05/2024. Melina Brill ProTem Judge - Author
11. 29-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
12. 5-Jan-2024 FILED: Defendant Motion to Continue Stay (Appellant Pro Per)
13. 5-Jan-2024 ORDERED: Defendant Motion to Continue Stay (Appellant Pro Per) = GRANTED and continuing the stay of this appeal until 02/05/2024, to allow the superior court to consider the motion for a Rule 54(c) judgment. FURTHER ORDERED: If this court has received a signed Rule 54(c) default judgment before 02/05/2024, the case management statement is due on 02/15/2024, and the opening brief is due on 03/06/2024. Melina Brill ProTem Judge - Author
14. 7-Feb-2024 FILED: Motion to Continue Stay (Appellant Pro Per)
15. 7-Feb-2024 FILED: Letter, 2/3/24, from Appellant to Court, requesting copy of transcript
16. 8-Feb-2024 ORDERED: Motion to Continue Stay (Appellant Pro Per) = GRANTED and continuing the stay of this appeal until 03/06/2024, to allow the superior court to consider the motion for a Rule 54(c) default judgment. FURTHER ORDERED: If this court has received a signed Rule 54(c) default judgment before 03/06/2024, the case management statement is due on 03/18/2024, and the opening brief is due on 04/08/2024. Melina Brill ProTem Judge - Author
17. 20-Feb-2024 FILED: Letter, 2/20/24, from Court to Appellant, enclosing copy of docket
18. 28-Mar-2024 ORDERED: Continuing the stay until 04/25/2024, to allow the superior court to consider appellant's 01/02/2024 motion for a Rule 54(c) judgment. FURTHER ORDERED: Appellant must file the case management statement by 05/06/2024, and the opening brief by 05/28/2024. If appellant does not file the case management statement and opening brief timely, the court will dismiss this appeal. Hon David B Gass - Author
19. 12-Apr-2024 FILED: Defonts [sic] Motion for Order to Compel Hon Richard Albrecht to Comply with Requirement of Rule 54 (c) (Appellant Pro Per)
20. 19-Apr-2024 FILED: Motion to Continue Stay (Appellant Pro Per)
21. 22-Apr-2024 FILED: Defonts [sic] Motion for Order to Compel Hon Richard Albrecht to Comply with Requirement of Rule 54 (c) (Duplicate) (Appellant Pro Per)
22. 30-Apr-2024 ORDERED: Defonts [sic] Motion for Order to Compel Hon Richard Albrecht to Comply with Requirement of Rule 54 (c) (Appellant Pro Per) = DENIED. FURTHER ORDERED: Motion to Continue Stay (Appellant Pro Per) = Continuing the stay until 05/30/2024, to allow the superior court to consider appellant's 01/02/2024 motion for a Rule 54 (c) judgment. Alternatively, the superior court may on its own enter a Rule 54 (c) judgment corresponding to the 12/08/2022 default judgment. FURTHER ORDERED: Appellant must file the case management statement by 06/10/2024, and the opening brief by 07/01/2024. If appellant does not file the case management statement and opening brief timely, the court will dismiss this appeal. Hon David B Gass - Author