

Court of Appeals, Division One**Civil - Family Court****1 CA-CV 23-0391 FC****SMITH v. SMITH****Appellate Case Information**

Case Filed: 29-Jun-2023

Case Closed:

Dept/Composition**Side 1. In re the Matter of:****ALYSSA JOY SMITH, Petitioner/Appellee****(Litigant Group) ALYSSA JOY SMITH**

- Alyssa Joy Smith

Attorneys for: Petitioner/Appellee

Karen A Schoenau, Esq. (AZ Bar No. 11699)

Stanley D Murray, Esq. (AZ Bar No. 7208)

Side 2. ROBERT RODNEY SMITH, Respondent/Appellant**(Litigant Group) ROBERT RODNEY SMITH**

- Robert Rodney Smith

PRO SE

CASE STATUS**Apr 11, 2024.....Decision Rendered**

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR FC2020-051532	Attorneys Fees and Costs		Lori Ash, Authoring Judge of Order		

OPEN DUE DATE**Petition for Review to ASC due****Due By:****Monday, May 13, 2024***Re: ORDERED: Dismissing this appeal. Melina Brill ProTem Judge - Author***CASE DECISION****11-Apr-2024 ORDER**

ORDERED: Dismissing this appeal.

Filed: **11-Apr-2024**

Mandate:

Melina Brill.....Author

Decision Disposition

Dismissed**47 PROCEEDING ENTRIES**

- 29-Jun-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/02/23
- 29-Jun-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: Hearing Date 10/3/22 1, 2, 3, 4, 5, 6, 7, 9, 10, 12, 13, 15, 16, 20, 21, 22, 24, 26, 27, 28, 30, 57, 140, 142, 144, 156, 171, 172, 173
- 29-Jun-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 30-Jun-2023 FILED: Additional Record on Appeal:
Physical Exhibits: Hearing Date 09/16/2020 - List # 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 in Manila Envelope; Hearing Date 07/01/2021 - List # 1 2 in Manila Envelope
- 6-Jul-2023 RECEIPT No.: 2023-00609 ; \$280.00, Check Number: #1001, Applied to: ROBERT RODNEY SMITH - Class A Filing Fee (\$280.00) Paid for: - By The Sampair Group PLLC
- 7-Jul-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
- 17-Jul-2023 FILED: Notice of Appearance as Counsel for Appellee; Certificate of Service (Appellee)
- 18-Jul-2023 FILED: Motion to Stay Appeal; Motion to Stay Appeal (Certificate of Service) (Appellant)
- 19-Jul-2023 FILED: Case Management Statement (Appellant)

Court of Appeals, Division One**Civil - Family Court****1 CA-CV 23-0391 FC****SMITH v. SMITH****47 PROCEEDING ENTRIES**

10. 20-Jul-2023 RECEIPT No.: 2023-00660 ; \$140.00, Authorization: #01010934394, Applied to: ALYSSA JOY SMITH - Class B Filing Fee (\$140.00) Paid for: Stanley David Murray Attorney at Law - By nCourt LLC
11. 20-Jul-2023 ORDERED: (per Sorensen v. Farmers) Granting the motion and staying appeal until 08/18/2023. Signed order with certification of finality pursuant to Rule 78(c) due within 10 days after its entry. If appeal reinstated by filing of signed order, case management statement due 08/28/2023 and opening brief due 09/18/2023. Melina Brill ProTem Judge - Author
12. 21-Aug-2023 FILED: Motion to Continue Stay on Appeal Matter; Motion to Continue Stay on Appeal Matter (Certificate of Service) (Appellant)
13. 21-Aug-2023 FILED: Motion to Continue Stay on Appeal Matter (Duplicate with Exhibits); Motion to Continue Stay on Appeal Matter (Certificate of Service) (Appellant)
14. 23-Aug-2023 ORDERED: Motion to Continue Stay on Appeal Matter (Appellant) = GRANTED and continuing the stay of this appeal until 09/21/2023, for the purposes set forth in this court's 07/20/2023 stay order. FURTHER ORDERED: If this court has received a signed Rule 78(c) judgment before 09/21/2023, the opening brief is due on 10/23/2023. Melina Brill ProTem Judge - Author
15. 7-Sep-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
16. 21-Sep-2023 FILED: Motion to Continue Stay on Appeal (Motion for Procedural Order); Motion to Continue Stay on Appeal Matter (Certificate of Service) (Appellant)
17. 22-Sep-2023 FILED: Response to Motion to Continue Stay on Appeal Matter and Motion to Dismiss Appeal; Certificate of Service (Appellee)
18. 22-Sep-2023 ORDERED: Motion to Continue Stay on Appeal (Appellant) = GRANTED and continuing the stay of this appeal until 10/23/2023, to allow the superior court to consider a motion for a signed judgment with Rule 78(c) language corresponding to the 05/11/2023 judgment and to resolve the pending motion to alter or amend. This court does not express an opinion regarding the merits of any motion. FURTHER ORDERED: That if this court has received a signed Rule 78(c) judgment before 10/23/2023, the opening brief is due on 11/27/2023. Melina Brill ProTem Judge - Author
19. 5-Oct-2023 FILED: Response to Motion to Dismiss Appeal; Response to Motion to Dismiss Appeal (Certificate of Service) (Duplicate) (Appellant)
20. 6-Oct-2023 FILED: Reply to Response to Motion to Dismiss Appeal; Certificate of Service (Appellee)
21. 12-Oct-2023 ORDERED: Response to Motion to Continue Stay on Appeal Matter and Motion to Dismiss Appeal; Certificate of Service (Appellee) = DENIED (motion to dismiss appeal) and affirming the 09/22/2023 Order Continuing Stay. FURTHER ORDERED: If appellant does not comply with the requirements of the 09/22/2023 order, this appeal will be dismissed. Hon David B Gass - Author
22. 20-Oct-2023 FILED: Motion to Designate October 3, 2022 and October 4, 2022 Transcripts on Appeal; (Reporter's Transcript - 10/03/2022 - Trial - Day 1 (Alexander Reaves)); (Reporter's Transcript - 10/04/2022 - Trial - Day 2 (Amarah Yang)) ; Proposed Order (Appellant)
23. 23-Oct-2023 FILED: Motion to Continue Stay on Appeal Matter; Motion to Continue Stay on Appeal Matter (Certificate of Service) (Duplicate) (Appellant)
24. 24-Oct-2023 ORDERED: Motion to Continue Stay on Appeal Matter (Appellant) = GRANTED and continuing the stay of this appeal until 11/22/2023, to allow the superior court to consider the pending motion for a signed judgment with Rule 78(c) language. FURTHER ORDERED: If this court has received a signed Rule 78(c) judgment before 11/22/2023, the opening brief is due on 12/22/2023. Melina Brill ProTem Judge - Author
25. 6-Nov-2023 ORDERED: Motion to Designate October 3, 2022 and October 4, 2022 Transcripts on Appeal (Appellant) = GRANTED and supplementing the record on appeal with the transcripts of the 10/03/2022 and 10/04/2022 proceedings. Melina Brill ProTem Judge - Author
26. 14-Nov-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Exhibits re: Hearing Date 08/21/2023 - List 1, 3, 4, 5, 6, 8, 9, 11, 18, 35, 36, 37, 39, 40, and 41)
27. 19-Dec-2023 FILED: Motion to Dismiss Appeal; Certificate of Service (Appellee)
28. 19-Dec-2023 ORDERED: Vacating the 12/22/2023 due date for the opening brief. The order ruling on the pending motion to dismiss will set a due date to file the opening brief, if the motion is denied. Melina Brill ProTem Judge - Author
29. 26-Dec-2023 FILED: Response to Appellee's Motion to Dismiss Appeal; Certificate of Service (Appellant)
30. 27-Dec-2023 FILED: Reply to Response to Motion to Dismiss Appeal; Certificate of Service (Appellee)
31. 3-Jan-2024 ORDERED: Motion to Dismiss Appeal (Appellee) = DENIED. FURTHER ORDERED: The opening brief is due on 02/02/2024. If the opening brief is not timely filed, the court will dismiss this appeal. Hon David B Gass - Author
32. 12-Jan-2024 FILED: Motion to Extend Deadline to Submit Opening Brief; Motion to Extend Deadline to Submit Opening Brief (Certificate of Service) (Appellant)

Court of Appeals, Division One**Civil - Family Court****1 CA-CV 23-0391 FC****SMITH v. SMITH****47 PROCEEDING ENTRIES**

33.	15-Jan-2024	FILED: Response/Objection to Motion to Extend Deadline to Submit Opening Brief; Certificate of Service (Appellee)
34.	16-Jan-2024	ORDERED: Motion to Extend Deadline to Submit Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 02-02-2024 to Friday, 02-16-2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
35.	13-Feb-2024	FILED: Expedited Motion to Withdraw as Counsel for Appellant Pursuant to ER 1.16 (1); Expedited Motion to Withdraw as Counsel for Appellant Pursuant to ER 1.16 (1) (Duplicate) (Certificate of Service) (Appellant)
36.	13-Feb-2024	FILED: Amended Expedited Motion to Withdraw as Counsel for Appellant Pursuant to ER 1.16 (1); Amended Expedited Motion to Withdraw as Counsel for Appellant Pursuant to ER 1.16 (1) (Duplicate) (Certificate of Service) (Appellant)
37.	13-Feb-2024	ORDERED: Expedited Motion to Withdraw as Counsel for Appellant Pursuant to ER 1.16 (1) (Appellant) = DENIED in its present form. Melina Brill ProTem Judge - Author
38.	13-Feb-2024	ORDERED: Denying the request for an expedited ruling. The court will rule on the motion following expiration of the time for a response and, if applicable, a reply. FURTHER ORDERED: Vacating the 02/16/2024 due date for the opening brief. The order ruling on the motion to withdraw will set a due date to file the opening brief. Melina Brill ProTem Judge - Author
39.	16-Feb-2024	FILED: Motion to Extend Deadline to Submit Opening Brief; Certificate of Service (Appellant Pro Per)
40.	16-Feb-2024	FILED: Response/Objection to Amended Expedited Motion to Withdraw as Counsel for Appellant; Certificate of Service (Appellee)
41.	26-Feb-2024	FILED: Reply to Response to Expedited Motion to Withdraw; Reply to Response to Expedited Motion to Withdraw (Duplicate) (Certificate of Service) (Appellant)
42.	27-Feb-2024	ORDERED: Amended Expedited Motion to Withdraw as Counsel for Appellant Pursuant to ER 1.16 (1) (Appellant) = GRANTED. FURTHER ORDERED: Motion to Extend Deadline to Submit Opening Brief (Appellant Pro Per) = GRANTED and extending time to file opening brief until 03/11/2024. If brief not timely filed, court will dismiss this appeal. Melina Brill ProTem Judge - Author
43.	10-Mar-2024	FILED: Emergency Motion to Extend Deadline to Submit Opening Brief; Certificate of Service (Appellant Pro Per)
44.	11-Mar-2024	ORDERED: Emergency Motion to Extend Deadline to Submit Opening Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Monday, 03-11-2024 to Monday, 04-01-2024. If the brief is not timely filed, the court will dismiss this appeal. Hon David B Gass - Author
45.	28-Mar-2024	FILED: Emergency Motion to Extend Deadline to Submit Opening Brief; Certificate Of Service (Appellant Pro Per)
46.	29-Mar-2024	ORDERED: Emergency Motion to Extend Deadline to Submit Opening Brief (Appellant Pro Per) = DENIED. If appellant does not file his opening brief timely by 04/01/2024, the court will dismiss this appeal. Hon David B Gass - Author
47.	11-Apr-2024	ORDERED: Dismissing this appeal. Melina Brill ProTem Judge - Author