

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

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

CASE STATUS

Aug 8, 2024.....Decision Rendered

Jul 17, 2023.....Reinstated Case

Table with 7 columns: PREDECESSOR CASE (S), 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.

2 OPEN DUE DATES

Motion for Reconsideration due

Due By:

Friday, August 23, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Daniel J Kiley - Concur; Hon D Steven Williams - Concur

Petition for Review to ASC due

Due By:

Monday, September 9, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Daniel J Kiley - Concur; Hon D Steven Williams - Concur

2 CASE DECISIONS

16-Mar-2023 ORDER

Vacated

ORDERED: Dismissing this appeal.

Filed: 16-Mar-2023

Mandate:

Decision Disposition

Dismissed

Barbara Vidal Vaught.....Author

08-Aug-2024 MEMORANDUM DECISION

Kent Cattani.....Author

Daniel Kiley.....Concur

D Williams.....Concur

Filed: 08-Aug-2024

Mandate:

Decision Disposition

Affirmed

31 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

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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
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: Revesting 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

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31 PROCEEDING ENTRIES

- 29. 26-Jan-2024 CLNDR: CONFERENCE, Department F, 3-21-24, COURTROOM 1.
- 30. 8-Aug-2024 MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Daniel J Kiley - Concur; Hon D Steven Williams - Concu
- 31. 8-Aug-2024 FILED: Decision Distribution Notification