

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0178

SILENCE v. BETTS

Appellate Case Information

Case Filed: 30-Mar-2023
Case Closed: 19-Aug-2024

Decision

Dept/Composition

Department E

Hon. Anni Hill Foster
Hon. Brian Y Furuya
Hon. Randall M Howe

Side 1. JOSEPH SILENCE, Plaintiff/Appellee

(Litigant Group) JOSEPH SILENCE

- Mr Joseph A Silence
AZ Bar No. 12351
[Resigned in Good Standing]
SOLE PRACTICER
Admitted 10/21/88

Attorneys for: Plaintiff/Appellee

Thomas S Moring, Esq. (AZ Bar No. 21247)
Corrinne R Viola, Esq. (AZ Bar No. 33386)
Katharine Myers, Esq. (AZ Bar No. 34204)

Side 2. SHANE T. BETTS, Defendant/Appellant

(Litigant Group) SHANE T. BETTS

- Shane T Betts PRO SE

CASE STATUS

Aug 19, 2024....Case Closed

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2019-000419, Interpleader, Richard F Albrecht, Authoring Judge of Order.

CASE DECISION

27-Jun-2024 OPINION

Amended Per Order Filed 7-26-2024

Filed: 27-Jun-2024 Mandate: 19-Aug-2024

Anni Foster.....Author
Brian Furuya.....Concur
Randall Howe.....Concur

Table with 1 column: Decision Disposition. Value: Affirmed

33 PROCEEDING ENTRIES

- 1. 30-Mar-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 03/02/23
2. 30-Mar-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: Hearing Date 7/16/20 41, 43, 44, 57, 64, 75, 76, 81, 82, 83, 84, 85, 105, 106, 109, 110, 111, 112, 113, 114, 115, 120
3. 30-Mar-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 30-Mar-2023 FILED: Amended Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 30-Mar-2023 FILED: Additional Record on Appeal: Physical Exhibits: Hearing Date 07/16/2020 - List # 1 2 3 4 5 6 7 8 9 10 11 12 13(SEALED) 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 in Manila Envelope
6. 7-Apr-2023 FILED: Case Management Statement (Appellant Pro Per)
7. 13-Apr-2023 RECEIPT No.: 2023-00359 ; \$280.00, Authorization: #03004799181, Applied to: SHANE T. BETTS - Class A Filing Fee (\$280.00) Paid for: SHANE T. BETTS - By nCourt LLC
8. 26-Apr-2023 ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 05/26/2023. Signed order re: minute entry of 02/06/2023 filed 02/15/2023 due within 10 days after its entry. If appeal reinstated by filing of signed order, opening brief due 06/26/2023. Melina Brill ProTem Judge - Author
9. 26-May-2023 FILED: Request to Continue Stay, and Add Additional Judgements [sic] to Appeal; Certificate of Service (Appellant Pro Per)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0178****SILENCE v. BETTS****33 PROCEEDING ENTRIES**

10. 30-May-2023 ORDERED: Denying the request (request to stay appeal pending resolution of appeal no. 1 CA-CV 22-0765). FURTHER ORDERED: Denying the request (inclusion of unsigned garnishment orders from 2021 and 2022) without prejudice to appellant filing a timely notice of appeal from any appealable orders. FURTHER ORDERED: Request to Continue Stay, and Add Additional Judgements [sic] to Appeal (Appellant Pro Per) = GRANTED in part and continuing the stay of this appeal until 06/30/2023, for the purposes set forth in this court's 04/26/2023 stay order. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the ruling within 10 days after entry, marked for filing in this appeal. The stay will be lifted automatically when this court receives the signed orders. FURTHER ORDERED: The stay will be lifted automatically on 06/30/2023, unless before that date appellant files a motion to continue the stay. If appellant does not file a motion to continue the stay and the superior court has not entered a signed order, this court will dismiss this appeal. FURTHER ORDERED: If this court has received signed orders before 06/30/2023, the opening brief is due on 07/31/2023. Melina Brill ProTem Judge - Author
11. 7-Jun-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
12. 26-Jun-2023 FILED: Request to Continue Stay, and Amend Appeal. [sic]; Certificate of Service (Appellant Pro Per)
13. 14-Jul-2023 ORDERED: Request to Continue Stay, and Amend Appeal. [sic] (Appellant Pro Per) = Lifting the stay of this appeal. The opening brief is due on 08/14/2023. Barbara Vidal Vaught ProTem Judge - Author
14. 14-Jul-2023 FILED: Notice of Refusal to Sign Judgement [sic] Prohibiting Appeal (Stay Request); Certificate of Service (Appellant)
15. 18-Jul-2023 ORDERED: Notice of Refusal to Sign Judgement [sic] Prohibiting Appeal (Stay Request) (Appellant) = Taking no action on the notice. Melina Brill ProTem Judge - Author
16. 24-Jul-2023 FILED: Reconsider 07/18/2023 Notice of Refusal; Certificate of Service; Request to Sign Judgement for Appeal/Notice of Amended Appeal (Appellant)
17. 26-Jul-2023 ORDERED: Reconsider 07/18/2023 Notice of Refusal (Appellant) = DENIED. Hon David B Gass - Author
18. 14-Aug-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Proof of Service (Appellant)
19. 25-Sep-2023 FILED: Appellee's Notice of Payment of Filing Fee; Certificate of Service (Appellee)
20. 25-Sep-2023 FILED: Appellee's Request for Extension (Answering Brief); Certificate of Service (Appellee)
21. 26-Sep-2023 ORDERED: Appellee's Request for Extension (Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 09-25-2023 to Tuesday, 10-10-2023. 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. 29-Sep-2023 RECEIPT No.: 2023-00928 ; \$140.00, Authorization: #72010473955, Applied to: JOSEPH SILENCE - Class B Filing Fee (\$140.00) Paid for: Jaburg & Wilk PC - By nCourt LLC
23. 10-Oct-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
24. 30-Oct-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Proof of Service (Appellant Pro Per)
25. 24-Nov-2023 CLNDR: CONFERENCE, Department E, 1-11-24, CONFERENCE ROOM.
26. 24-Jun-2024 FILED: Motion to Supplement Legal Authorities; Proof of Service (Appellant Pro Per)
27. 26-Jun-2024 ORDERED: Motion to Supplement Record = DENIED. Hon Anni Hill Foster - Author
28. 27-Jun-2024 OPINION (Affirmed) Hon Anni Hill Foster - Author; Hon Brian Y Furuya - Concur; Hon Randall M Howe - Concur
29. 27-Jun-2024 FILED: Decision Distribution Notification
30. 10-Jul-2024 FILED: Appellant's Motion to Reconsider for Clear Error; Certificate of Compliance; Certificate of Service; Answer of Garnishee (Appellant Pro Per)
31. 26-Jul-2024 ORDERED: Appellant's Motion to Reconsider for Clear Error (Appellant Pro Per) = DENIED. Hon Anni Hill Foster - Author
32. 26-Jul-2024 ORDERED: The Clerk's Office, by interlineation, shall amend the opinion filed 06/27/2024 by changing "for payments that are made in Arizona" in Paragraph 9, Lines 12-13 so that reads "against an Arizona defendant." FURTHER ORDERED: The Clerk's Office, by interlineation, shall amend the opinion filed 06/27/2024 by changing "(1988)" in Paragraph 10, Line 5 so that it reads "(1971)." Hon Anni Hill Foster - Author
33. 19-Aug-2024 FILED: Mandate, Physical record to clerk, Maricopa County Superior Court.