

Court of Appeals, Division One

Civil - Family Court

1 CA-CV 23-0339 FC

LAVICKA v. LAVICKA

Appellate Case Information

Case Filed: 14-Jun-2023

Case Closed:

Dept/Composition

Department B

Hon. Andrew M Jacobs
Hon. Jennifer M Perkins
Hon. David D Weinzweig

Side 1. KELSEY WILLIAM LAVICKA, Petitioner/Appellee

(Litigant Group) KELSEY WILLIAM LAVICKA

- Kelsey William Lavicka

Co-Counsel for: Petitioner/Appellee

Charles E Sears, Esq. (AZ Bar No. 27493)

Kelly Mendoza, Esq. (AZ Bar No. 25154)

Side 2. TAMMY THERESA LAVICKA, Respondent/Appellant

(Litigant Group) TAMMY THERESA LAVICKA

- Tammy Theresa Lavicka

PRO SE

CASE STATUS

Jul 30, 2024.....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, FC2017-003984, Attorney's Fees and Costs, Glenn A Allen, Authoring Judge of Order.

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Thursday, August 29, 2024

Re: MEMORANDUM DECISION (Affirmed in Part, Reversed in Part, Remanded) Hon Andrew M Jacobs - Author; Hon Jennifer M Perkins - Concur; Hon David D Weinzweig - Concur

2 PENDING MATTERS

General Motion

Petitioner/Appellee Kelsey Lavicka's Affidavit for Attorney's Fees and COSTS (Appellee)

Filed: 8-Aug-2024

General Motion

Petitioner/Appellee Kelsey Lavicka's Affidavit for ATTORNEY'S FEES and Costs (Appellee)

Filed: 8-Aug-2024

CASE DECISION

30-Jul-2024 MEMORANDUM DECISION

Amended Per Order Filed 8-05-2024

Filed: 30-Jul-2024

Mandate:

Andrew Jacobs.....Author
Jennifer Perkins.....Concur
David Weinzweig.....Concur
Jennifer Perkins.....Special Concurrence

Table with 1 column: Decision Disposition. Row 1: Affirmed in Part, Reversed in Part, Remanded.

42 PROCEEDING ENTRIES

- 1. 14-Jun-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/16/23
2. 14-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: Hearing Date 2/15/23 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 16, 17, 18, 19, 20, 21, 22, 24

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3. 14-Jun-2023 FILED: Additional Record on Appeal: Physical Exhibits: Hearing Date 08/09/2017 - List # 1 2 in Manila Envelope; Hearing Date 12/19/2018 - 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 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 414 142 in a Large Box; Hearing Date 02/15/2023 - List # 26 27 28 in Manila Envelope
4. 14-Jun-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 19-Jun-2023 FILED: Motion to Withdraw as Attorney of Record for Appellant; Certificate of Service for Motion to Withdraw as Attorney of Record (Appellant)
6. 20-Jun-2023 ORDERED: Motion to Withdraw as Attorney of Record for Appellant (Appellant) = GRANTED. Melina Brill ProTem Judge - Author
7. 22-Jun-2023 RECEIPT No.: 2023-00553 ; \$280.00, Authorization: #73007735901, Applied to: TAMMY THERESA LAVICKA - Class A Filing Fee (\$280.00) Paid for: Goldman Law, LLC - By nCourt LLC
8. 23-Jun-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
9. 5-Jul-2023 FILED: Case Management Statement (Appellant Pro Per)
10. 10-Jul-2023 FILED: Notice of Filing Fee Payment; Certificate of Service Re: Notice of Filing Fee Payment (Appellee)
11. 13-Jul-2023 RECEIPT No.: 2023-00629 ; \$140.00, Authorization: 94011477506, Applied to: KELSEY WILLIAM LAVICKA - Class B Filing Fee (\$140.00) Paid for: Kelly Mendoza - By nCourt LLC
12. 14-Aug-2023 FILED: Motion for Extension of Time to File Brief and Amended Notice of Appeal; (Untitled) Certificate of Service (Appellant Pro Per)
13. 15-Aug-2023 ORDERED: If appellant intends to appeal from the 08/03/2023 judgment, she must file a timely notice of appeal in superior court. FURTHER ORDERED: Staying this appeal and vacating the 08/14/2023 due date for the opening brief. FURTHER ORDERED: Directing appellant to file a notice in this court by 09/06/2023, that indicates whether she filed a notice of appeal in superior court from the 08/03/2023 judgment. Notice should include a copy of filed notice of appeal and judgment. FURTHER ORDERED: Court will address the briefing schedule after appellant files a notice. Melina Brill ProTem Judge - Author
14. 6-Sep-2023 FILED: Notice of Filing of Notice of Appeal in Superior Court Sept 3 2023; Certificate of Service; Notice of Appeal/Amended Notice of Appeal (Courtesy Copy); (Untitled) Copy of Email re: Update on Transcripts (Appellant Pro Per)
15. 8-Sep-2023 ORDERED: Continuing the stay of this appeal until 10/10/2023. FURTHER ORDERED: If this court has received a signed Rule 78(c) judgment before 10/10/2023, the opening brief is due on 11/09/2023. Melina Brill ProTem Judge - Author
16. 13-Sep-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
17. 21-Sep-2023 FILED: Request to Participate in Pro Bono Program; Certificate of Service (Appellant Pro Per)
18. 22-Sep-2023 ORDERED: Request to Participate in Pro Bono Program (Appellant Pro Per) = DENIED. Melina Brill ProTem Judge - Author
19. 9-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
20. 10-Oct-2023 FILED: Notice of Filing of Amended Notice of Appeal in Superior Court October 10 [sic] 2023, Update; (Untitled) Certificate of Service; Order Continuing Stay (Courtesy Copy of 09/08/2023 Order Continuing Stay of Appeal) (Appellant Pro Per)
21. 3-Nov-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record [includes Amended Notice of Appeal]
22. 4-Nov-2023 FILED: Motion for Extension of Time to File Brief; Untitled (Certificate of Service); Exhibit 1 (To Motion for Extension of Time to File Brief) (Appellant Pro Per)
23. 6-Nov-2023 ORDERED: Motion for Extension of Time to File Brief (Appellant Pro Per) = GRANTED. Due date (opening brief) EXTENDED from Thursday, 11-09-2023 to Wednesday, 12-06-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
24. 6-Dec-2023 FILED: Reporter's Transcript - 02/15/2023 - Evidentiary Hearing (Kimberly McCright); Proof of Service (Appellant Pro Per)
25. 6-Dec-2023 FILED: Reporter's Transcript - 03/03/2023 - Evidentiary Hearing (Kimberly McCright); Proof of Service (Appellant Pro Per)
26. 7-Dec-2023 FILED: Motion for Extension of Time to File Opening Brief Due to Computer Equipment Errors Which Occurred When Trying to Submit Completed File and Reverted Back to Previous Version; Proof of Service (Appellant)

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27. 7-Dec-2023 ORDERED: Motion for Extension of Time to File Opening Brief Due to Computer Equipment Errors Which Occurred When Trying to Submit Completed File and Reverted Back to Previous Version (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 12-06-2023 to Monday, 12-11-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
28. 7-Dec-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Proof of Service (Appellant Pro Per)
29. 11-Dec-2023 FILED: Appellant's Opening Brief (Duplicate); Certificate of Compliance; Proof of Service (Appellant Pro Per)
30. 12-Dec-2023 ORDERED: Accepting the opening brief filed on 12/11/2023, in place of the brief filed on 12/07/2023. FURTHER ORDERED: The answering brief is due on 01/22/2024. Melina Brill ProTem Judge - Author
31. 11-Jan-2024 FILED: Notice of Filing Transcript (Reporter's Transcript - 05/19/2021 - Status Conference (Luci Clark)) (Reporter's Transcript - 09/30/2021 - Status Conference (Luci Clark)) (Reporter's Transcript - 12/21/2021 - Status Conference (Luci Clark)) (Reporter's Trans; Certificate of Service Re: Notice of Filing Transcripts (Appellee)
32. 18-Jan-2024 FILED: Motion for Extension of Time to File Answering Brief for Petitioner/Appellee Kelsey Lavicka; Certificate of Service re: Motion for Extension of Time to File Answering Brief for Petitioner/Appellee Kelsey Lavicka (Appellee)
33. 22-Jan-2024 ORDERED: Motion for Extension of Time to File Answering Brief for Petitioner/Appellee Kelsey Lavicka (Appellee) = GRANTED. Due date EXTENDED from Monday, 01-22-2024 to Thursday, 02-22-2024. 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
34. 22-Feb-2024 FILED: Petitioner/Appellee Kelsey William Lavicka's Answering Brief; Petitioner/Appellee Kelsey William Lavicka's Certificate of Compliance; Petitioner/Appellee Kelsey William Lavicka's Certificate of Service (Appellee)
35. 22-Feb-2024 FILED: Appendix to Answering Brief (Appellee)
36. 4-Apr-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
37. 15-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
38. 26-Apr-2024 CLNDR: CONFERENCE, Department B, 6-4-24, CONFERENCE ROOM.
39. 30-Jul-2024 MEMORANDUM DECISION (Affirmed in Part, Reversed in Part, Remanded) Hon Andrew M Jacobs - Author; Hon Jennifer M Perkins - Concur; Hon David D Weinzweig - Concur
40. 30-Jul-2024 FILED: Decision Distribution Notification
41. 5-Aug-2024 ORDERED: Clerk of this Court, by interlineation, shall amend the following (memorandum decision issued 07/30/2024) to read as: Presiding Judge Andrew M. Jacobs delivered the decision of the Court, in which Judge Jennifer M. Perkins and Judge David D. Weinzweig joined. Judge Perkins also delivered a separate special concurrence. Hon Andrew M Jacobs - Author
42. 8-Aug-2024 FILED: Petitioner/Appellee Kelsey Lavicka's Affidavit for Attorney's Fees and Costs; Certificate of Service Re: Petitioner/Appellee [sic] Kelsey Lavicka's Affidavit for Attorney's Fees and Costs; Order and Judgment Re: Attorney's Fees and Costs (Appellee)