

Court of Appeals, Division One

Civil - Family Court

1 CA-CV 23-0379 FC

CONSTANTINE v. CONSTANTINE/BAFALOUKOS

Appellate Case Information

Case Filed: 29-Jun-2023
Case Closed: 15-Aug-2024

Decision

Dept/Composition

Department A

Hon. Jennifer B Campbell
Hon. Kent E Cattani
Hon. Paul J McMurdie

Side 1. In re the Marriage of:

CATHRYN CONSTANTINE, Petitioner/Appellee

(Litigant Group) CATHRYN CONSTANTINE

- Cathryn Constantine

Attorneys for: Petitioner/Appellee

Michael J Shew, Esq. (AZ Bar No. 16751)

Side 2. TINO CONSTANTINE, Respondent/Appellant

(Litigant Group) TINO CONSTANTINE

- Tino Constantine

Attorneys for: Respondent/Appellant

Karl Webster, Esq. (AZ Bar No. 35202)

Side 3. GUST BAFALOUKOS, Intervenor/Appellee

(Litigant Group) GUST BAFALOUKOS

- Gust Bafaloukos

Attorneys for: Intervenor/Appellee

Charles F Richards, Jr, Esq. (AZ Bar No. 10428)

CASE STATUS

Aug 15, 2024....Case Closed

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, FN2022-001675, Petition for Dissolution of Marriage without Children, Susanna C Pineda, Authoring Judge of Order.

CASE DECISION

09-Jul-2024 MEMORANDUM DECISION

Paul McMurdie.....Author
Jennifer Campbell.....Concur
Kent Cattani.....Concur

Filed: 09-Jul-2024 Mandate: 15-Aug-2024

Decision Disposition

Affirmed

58 PROCEEDING ENTRIES

- 1. 29-Jun-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/31/23
2. 29-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: Hearing Date 7/8/22 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 26, 35, 37, 38, 39, 44, 45, 46, 47, 48, 49, 50
3. 29-Jun-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 29-Jun-2023 FILED: Notice of Appellant's Payment of Filing Fee; Certificate of Service (Appellant)
5. 6-Jul-2023 RECEIPT No.: 2023-00605 ; \$280.00, Authorization: #87006057911, Applied to: TINO CONSTANTINE - Class A Filing Fee (\$280.00) Paid for: Law Offices of Kevin Jensen PLLC - By nCourt LLC
6. 7-Jul-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
7. 14-Jul-2023 FILED: Emergency Motion for Stay Pending Appeal or Petition for Special Action and Emergency Motion for Stay; Certificate of Service (Appellant)
8. 17-Jul-2023 FILED: Motion for Procedural Order Expedited, Unopposed Motion to Extend Response and Reply Deadlines (Response to Motion for Stay); Certificate of Service (Appellee Bafaloukos)

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9. 17-Jul-2023 ORDERED: Directing appellees to file responses to the motion by 07/24/2022. FURTHER ORDERED: Directing appellant to file a reply to the motion by 07/28/2022. FURTHER ORDERED: Staying distribution of the proceeds from the sale of the subject real property as set forth in the superior court's orders filed 02/22/2023, and 05/19/2023, respectively, pending a ruling on the Emergency Motion for Stay Pending Appeal. Hon David B Gass - Author
10. 18-Jul-2023 ORDERED: Motion for Procedural Order Expedited, Unopposed Motion to Extend Response and Reply Deadlines (Response to Motion for Stay) (Appellee Bafaloukos) = GRANTED and extending the time to file the response from 07/24/2023 to 07/28/2023. FURTHER ORDERED: Extending the time to file a reply from 07/28/2022 to 08/03/2023. Melina Brill ProTem Judge - Author
11. 18-Jul-2023 FILED: Case Management Statement (Appellant)
12. 18-Jul-2023 FILED: Notice of Payment of Petitioner/Appellee's Filing Fee; Certificate of Service of Notice of Payment of Petitioner/Appellee's Filing Fee (Appellee)
13. 21-Jul-2023 RECEIPT No.: 2023-00666 ; \$140.00, Authorization: # 02009705801, Applied to: GUS BAFALOUKOS - Class B Filing Fee (\$140.00) Paid for: Charles F Richards Jr - By nCourt LLC
14. 24-Jul-2023 RECEIPT No.: 2023-00671 ; \$140.00, Authorization: #05012119599, Applied to: CATHRYN CONSTANTINE - Class B Filing Fee (\$140.00) Paid for: The Law Firm of Michael J Shew - By nCourt LLC
15. 28-Jul-2023 FILED: Appellee Bafaloukos' Response to Husband's Motion to Stay; Certificate of Service (Appellee Bafaloukos)
16. 28-Jul-2023 FILED: Response to Emergency Motion for Stay Pending Appeal; Certificate of Service of Response to Emergency Motion for Stay Pending Appeal (Appellee Constantine)
17. 28-Jul-2023 FILED: Index to Appendix (Appellee Bafaloukos)
18. 28-Jul-2023 FILED: Appendix (Appellee Constantine)
19. 3-Aug-2023 FILED: Reply in Support of Emergency Motion for Stay Pending Appeal or Petition for Special Action and Emergency Motion for Stay; Certificate of Service (Appellant)
20. 3-Aug-2023 FILED: Notice of Change of Firm Name; Certificate of Service (Appellant)
21. 8-Aug-2023 ORDERED: Emergency Motion for Stay Pending Appeal or Petition for Special Action and Emergency Motion for Stay (Appellant) = DENIED. FURTHER ORDERED: Lifting the stay issued by this court on 07/17/2023, concerning distribution of the sale proceeds set forth in the superior court's 02/22/2023, and 05/19/2023 rulings. FURTHER ORDERED: Staying this appeal until 09/07/2023. FURTHER ORDERED: If the superior court has not ruled on the motion to alter, amend or clarify and the motion for a Rule 78(b) judgment by 09/07/2023, appellant must file a notice in this court regarding the status of the motions. FURTHER ORDERED: Vacating the 08/28/2023 due date for the opening brief. The court will address the briefing schedule after the superior court rules on the motions. FURTHER ORDERED: Denying the request to treat the appeal as a special action. Hon David D Weinzweig - Author
22. 31-Aug-2023 FILED: Notice of Filing Transcript Pursuant to Rule 11.1(d), ARCAP; Certificate of Service; Reporter's Transcript - 07/08/2022 - Evidentiary Hearing (Kimberly McCright) (Appellant)
23. 14-Sep-2023 ORDERED: Extending the time until 09/25/2023, for appellant to file a notice concerning the status of the motion to alter, amend, or clarify and the motion for a signed Rule 78(b) judgment. If a notice is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
24. 18-Sep-2023 FILED: Notice to the Court Re: Rulings on Motions Filed with the Superior Court; Certificate of Service; Exhibit 1 (Appellant)
25. 20-Sep-2023 ORDERED: Continuing the stay of this appeal until 10/19/2023, for the purposes set forth in this court's 08/08/2023 order. FURTHER ORDERED: That if the superior court has not ruled on the motion to alter, amend or clarify, and the motion for a Rule 78(b) judgment by 10/19/2023, appellant must file a notice in this court regarding the status of the motions. Melina Brill ProTem Judge - Author
26. 2-Oct-2023 FILED: Second Notice to the Court Re: Rulings on Motions Filed with the Superior Court; Certificate of Service; Exhibit A; Exhibit B (Appellant)
27. 3-Oct-2023 ORDERED: Continuing the stay of this appeal until 11/02/2023, and authorizing the superior court to consider a motion for a signed order corresponding to its minute entry order dated 09/20/2023, and filed 09/22/2023, ruling on the motion to alter, amend or clarify. It is appellant's responsibility to file the motion in the superior court. FURTHER ORDERED: If this court has received a signed order before 11/02/2023, the opening brief is due on 12/04/2023. Melina Brill ProTem Judge - Author
28. 6-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
29. 24-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
30. 31-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record [includes Amended Notice of Appeal]

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31. 2-Nov-2023 FILED: Third Notice to the Court Re: Rulings on Motions Filed with the Superior Court; Certificate of Service (Appellant)
32. 6-Nov-2023 ORDERED: Third Notice to the Court Re: Rulings on Motions Filed with the Superior Court (Appellant) = Affirming that the stay of this appeal is lifted. FURTHER ORDERED: The opening brief is due on 12/04/2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
33. 30-Nov-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
34. 4-Dec-2023 FILED: Motion to Extend Time to File Opening Brief; Certificate of Service; Order to Extend Time to File Opening Brief (Exhibit) (Appellant)
35. 4-Dec-2023 ORDERED: Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 12-04-2023 to Thursday, 01-04-2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
36. 4-Jan-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
37. 1-Feb-2024 FILED: Motion for Procedural Order Unopposed Motion to Extend Answering Brief Deadline; Certificate of Service (Appellee Bafaloukos)
38. 1-Feb-2024 FILED: Certificate of Service (Duplicate) (Appellee)
39. 1-Feb-2024 ORDERED: Motion for Procedural Order Unopposed Motion to Extend Answering Brief Deadline (Appellee Bafaloukos) = GRANTED. Due dates EXTENDED from Tuesday, 02-13-2024 to Thursday, 03-14-2024. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
40. 2-Feb-2024 FILED: Notice of Filing Transcript from May 30, 2023 Status Conference; Certificate of Service of Notice of Filing Transcript from May 30, 2023 Status Conference (Appellee Constantine)
41. 2-Feb-2024 FILED: Reporter's Transcript - 05/30/2023 - Status Conference (Logan Tsuji) (Appellee Constantine)
42. 2-Feb-2024 FILED: Notice of Filing Transcript from June 15, 2023 Status Conference; Certificate of Service of Notice of Filing Transcript from June 15, 2023 Status Conference (Appellee Constantine)
43. 2-Feb-2024 FILED: Reporter's Transcript - 06/15/2023 - Status Conference (Logan Tsuji) (Appellee Constantine)
44. 14-Mar-2024 FILED: Answering Brief of Petitioner/Appellee; Certificate of Compliance; Certificate of Service of Appellee's Answering Brief (Appellee Constantine)
45. 14-Mar-2024 FILED: Intervenor/Appellee's Responsive Brief; Certificate of Compliance; Certificate of Service (Appellee Bafaloukos)
46. 3-Apr-2024 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
47. 2-May-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
48. 13-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
49. 28-May-2024 CLNDR: CONFERENCE, Department A, 6-26-24, CONFERENCE ROOM.
50. 9-Jul-2024 MEMORANDUM DECISION (Affirmed) Hon Paul J McMurdie - Author; Hon Jennifer B Campbell - Concur; Hon Kent E Cattani - Concur
51. 9-Jul-2024 FILED: Decision Distribution Notification
52. 18-Jul-2024 FILED: Statement of Costs; Certificate of Service of Appellee's Statement of Costs (Petitioner/Appellee)
53. 18-Jul-2024 FILED: Appellee Bafaloukos' Statement of Costs; Certificate of Service of Bafaloukos' Statement of Costs (Intervenor/Appellee)
54. 18-Jul-2024 FILED: Certificate of Service of Bafaloukos' Statement of Costs (Duplicate) (Intervenor/Appellee)
55. 23-Jul-2024 FILED: Appellant's Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant)
56. 24-Jul-2024 ORDERED: Appellant's Motion for Reconsideration (Appellant) = DENIED. Hon Paul J McMurdie - Author
57. 6-Aug-2024 ORDERED: Statement of Costs (Petitioner/Appellee) and Appellee Bafaloukos' Statement of Costs (Intervenor/Appellee) = GRANTED and awarding Petitioner/Appellee \$735.31 in costs and Intervenor/Appellee \$562.01 in costs. Hon Paul J McMurdie - Author
58. 15-Aug-2024 FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.