

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0578

HICKEY v. HICKEY

Appellate Case Information

Case Filed: 20-Sep-2023

Case Closed:

Dept/Composition

Department B

Hon. Michael J Brown
Hon. D Steven Williams
Hon. Daniel J Kiley

Side 1. In the Matter of Guardianship and Conservatorship of:

ALICE D. HICKEY, an Adult.

JOHN M. HICKEY, Petitioner/Appellee

(Litigant Group) JOHN M. HICKEY

- John M Hickey

Attorneys for: Petitioner/Appellee

William Macdonald, Esq. (AZ Bar No. 35319)

(Litigant Group) ALICE D. HICKEY, Ward

- Alice D Hickey

Appointed Counsel for: Alice Hickey, Ward

Joel T Fornara, Esq. (AZ Bar No. 32253)

Side 2. JAMES D. HICKEY, Respondent/Appellant

(Litigant Group) JAMES D. HICKEY

- James Darryl Hickey

PRO SE

CASE STATUS

Jul 25, 2024.....Assigned

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YAV, S1300GC202380024, Petition for Emergency Appointment of Temporary Guardian and Temporary Conservator, Linda Wallace, Authoring Judge of Order.

CALENDAR

Tuesday MONTHLY COURT CASE CALENDAR

Mixed

24-Sep-2024 Department B; COURTROOM 2

48 PROCEEDING ENTRIES

- 1. 27-Jul-2023 FILED: Notice of Appeal (Courtesy Copy) (Appellant Pro Per)
2. 5-Sep-2023 FILED: Notice of Appeal (Courtesy Copy) (Appellant Pro Per)
3. 20-Sep-2023 FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 09/15/23
4. 20-Sep-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: Hearing Date 7/19/23 1, 2, 5, 6, 7, 8, 9
5. 20-Sep-2023 ORDERED: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). Appellee's filing fee of \$140.00 is payable on or before 10/4/23 Appellant's Case Management Statement due 10/10/23 and Opening Brief due 11/20/23. FURTHER ORDERED: copy of this order to Arizona Department of Corrections, and copy of order and case management statement form to appellant personally. Amy M Wood - Author
6. 20-Sep-2023 AMENDED ORDER: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). Appellee's filing fee of \$140.00 is payable on or before 10/4/23 Appellant's Case Management Statement due 10/10/23 and Opening Brief due 11/20/23. FURTHER ORDERED: copy of this order to Arizona Department of Corrections, and copy of order and case management statement form to appellant personally. Amy M Wood - Author
7. 25-Sep-2023 FILED: Letter, 9/23/23, from Appellant to Court, requesting copy of docket

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8. 28-Sep-2023 ORDERED: (per Sorensen v. Farmers) staying appeal to/including 10/30/2023. Signed order ruling on the pending Rule 59 motion due within 15 days after its entry. FURTHER ORDERED: Vacating the 10/10/2023 due date for the case management statement and the 11/20/2023 due date for the opening brief. The court will address the briefing schedule after the superior court rules on the pending motion. Melina Brill ProTem Judge - Author
9. 29-Sep-2023 FILED: Letter, 9/29/23, from Court to Appellant, enclosing copy of docket
10. 2-Oct-2023 RECEIPT No.: 2023-00932 ; \$280.00, Check Number: #500101655, Applied to: JAMES D. HICKEY - Class A Filing Fee (\$280.00) Paid for: JAMES D. HICKEY - By Arizona State Department of Corrections
11. 2-Oct-2023 FILED: Case Management Statement (Appellant Pro Per)
12. 10-Oct-2023 FILED: Letter, 10/04/23, from Appellant to Court re: Filing Fee
13. 30-Oct-2023 FILED: Letter, 10/30/23, from Court to Appellant, enclosing copy of docket
14. 6-Nov-2023 FILED: Letter, 11/06/2023, from Appellant Pro Per to COA1 re: Clarification: Case No: 1 CA-CV 23-0578 (Appellant Pro Per)
15. 9-Nov-2023 ORDERED: Letter, 11/06/2023, from Appellant Pro Per to COA1 re: Clarification: Case No: 1 CA-CV 23-0578 = GRANTED as set forth herein. FURTHER ORDERED: Continuing the stay of this appeal until 11/29/2023, for the purposes set forth in this court's 09/28/2023 stay order for the superior court to rule on the Rule 59 motion. FURTHER ORDERED: If a party wants this court to review any additional rulings, that party must file a timely notice of appeal or amended notice of appeal. Melina Brill ProTem Judge - Author
16. 13-Nov-2023 FILED: Motion to Strike Motion for Order Determining Pro Se Litigant James Darryl Hickey a Vexatious Litigant and Requesting Entry of a Prefiling Order (Courtesy Copy of Motion Filed in Maricopa County Superior Court) (Appellant Pro Per)
17. 13-Nov-2023 FILED: Notice of Status on Rule 59 Motion (Appellant Pro Per)
18. 15-Nov-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes ruling on Rule 59 Motion)
19. 21-Nov-2023 FILED: Notice of Status on Rule 59 Motion (Appellant Pro Per)
20. 22-Nov-2023 FILED: Appellant's Motion to Extend Time for Filing Amended Notice of Appeal (Appellant Pro Per)
21. 27-Nov-2023 ORDERED: Appellant's Motion to Extend Time for Filing Amended Notice of Appeal (Appellant Pro Per) = DENIED as unnecessary. FURTHER ORDERED: Continuing the stay of this appeal until 01/08/2024, and authorizing the superior court to consider a motion for a signed order corresponding to its 11/02/2023, order ruling on the Rule 59 motion. It is appellant's responsibility to file the motion in the superior court. FURTHER ORDERED: If this court has received a signed order before 01/08/2024, the opening brief is due on 02/07/2024. Melina Brill ProTem Judge - Author
22. 30-Nov-2023 FILED: Expansion of Record (Appellant Pro Per)
23. 30-Nov-2023 FILED: Letter, 11/28/23, from Appellant to Court, requesting copy of docket
24. 7-Dec-2023 FILED: Letter, 12/07/23, from Court to Appellant, enclosing copy of docket
25. 29-Dec-2023 FILED: Appellant's Motion to Lift Stay (Appellant Pro Per)
26. 2-Jan-2024 ORDERED: Appellant's Motion to Lift Stay (Appellant Pro Per) = GRANTED and lifting the stay of this appeal. FURTHER ORDERED: The opening brief is due on 02/07/2024. If the opening brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
27. 8-Feb-2024 FILED: Omnibus Motion for Time Extension to File Opening Brief and Clarification on Appeal Comprehension of Vexatious Litigant Ruling (Appellant Pro Per)
28. 9-Feb-2024 ORDERED: Omnibus Motion for Time Extension to File Opening Brief and Clarification on Appeal Comprehension of Vexatious Litigant Ruling (Appellant Pro Per) = GRANTED in part. Due date EXTENDED from Wednesday, 02-07-2024 to Friday, 03-08-2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
29. 7-Mar-2024 FILED: Opening Brief (Appellant Pro Per)
30. 14-Mar-2024 ORDERED: Appellant must file a certificate of compliance and a new certificate of service showing service on all counsel of record by 03/25/2024. If the certificates are not timely filed, the court may impose sanctions, including striking the opening brief and dismissing the appeal. Barbara Vidal Vaught ProTem Judge - Author
31. 15-Mar-2024 FILED: Change of Address (Appellant Pro Per)
32. 1-Apr-2024 FILED: Motion for Extension to Reply to Court Order Received on 03/29/2024 (Appellant Pro Per)

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33. 2-Apr-2024 ORDERED: Accepting the opening brief and vacating the direction to file a certificate of compliance and a new certificate of service. FURTHER ORDERED directing the clerk of this court to send a copy of the opening brief to attorney Joel T. Fornara. FURTHER ORDERED: Motion for Extension to Reply to Court Order Received on 03/29/2024 (Appellant Pro Per) = DENIED as moot. FURTHER ORDERED: Appellees are reminded that the answering briefs are due by 04/16/2024. Melina Brill ProTem Judge - Author
34. 16-Apr-2024 FILED: Appellee's Answering Brief on Appeal; Certificate of Compliance; Certificate of Service (Appellee John Hickey)
35. 22-Apr-2024 RECEIPT No.: 2024-00407 ; \$140.00, Authorization: #13020501090, Applied to: JOHN M. HICKEY - Class B Filing Fee (\$140.00) Paid for: H & M Law, PLLC - By nCourt LLC
36. 25-Apr-2024 FILED: Motion for Default Judgment Pursuant to Ariz.R.Civ.P.55 (Appellant Pro Per)
37. 26-Apr-2024 ORDERED: Motion for Default Judgment Pursuant to Ariz.R.Civ.P.55 (Appellant Pro Per) = DENIED. Appellant is reminded that the reply brief is due on 05/13/2024. Melina Brill ProTem Judge - Author
38. 2-May-2024 FILED: Motion: Leave of Court (Motion to Supplement) (Appellant Pro Per)
39. 8-May-2024 FILED: Motion: Order, Pursuant to ARCP Rule 5 (8)(2)(a) (Appellant Pro Per)
40. 8-May-2024 ORDERED: Motion: Order, Pursuant to ARCP Rule 5 (8)(2)(a) (Appellant Pro Per) = GRANTED in part and directing the clerk of this court to send a copy of the answering brief to appellant. FURTHER ORDERED: Extending the time to file the reply brief from 05/13/2024 to 06/12/2024. 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
41. 13-May-2024 FILED: Motion: ARCP Rule 15 (d) Supplement to Rule 5 (a) 2 (a) with Accurate Pleading (Appellant Pro Per)
42. 15-May-2024 ORDERED: Motion: Order, Pursuant to ARCP Rule 5 (8)(2)(a) / Motion: ARCP Rule 15 (d) Supplement to Rule 5 (a) 2 (a) with Accurate Pleading (Appellant Pro Per) = DENIED without prejudice to consideration of a new motion if appellant has not received the answering brief. Melina Brill ProTem Judge - Author
43. 20-May-2024 FILED: Response to James Hickey's Motion: Leave of Court; Certificate of Service (Appellee)
44. 6-Jun-2024 FILED: Reply Brief (Appellant Pro Per)
45. 7-Jun-2024 ORDERED: Motion: Leave of Court (Motion to Supplement Opening Brief "Exhibit" [sic]) (Appellant Pro Per) = DENIED as unnecessary. Melina Brill ProTem Judge - Author
46. 25-Jul-2024 CLNDR: CONFERENCE, Department B, 9-24-24, COURTROOM 2.
47. 23-Aug-2024 FILED: Affidavit (Appellee Pro Per)
48. 9-Sep-2024 FILED: Untitled Letter