

Court of Appeals, Division One

Civil - Family Court

1 CA-CV 23-0587 FC

HOWIE v. HOWIE

Appellate Case Information

Case Filed: 25-Sep-2023

Case Closed:

Dept/Composition

Side 1. In re the Matter of:

CHERYL A. HOWIE, Petitioner/Appellee/Cross-Appellant

(Litigant Group) CHERYL A. HOWIE

- Cheryl A. Howie

Attorneys for: Petitioner/Appellee/Cross-Appellant

Alexandra Sandlin, Esq. (AZ Bar No. 35564)

Keith Berkshire, Esq. (AZ Bar No. 24107)

Side 2. SCOTT D. HOWIE, Respondent/Appellant/Cross-Appellee

(Litigant Group) SCOTT D. HOWIE

- Scott D Howie

Attorneys for: Respondent/Appellant/Cross-Appellee

Edward Jakob Walneck, Esq. (AZ Bar No. 32629)

Christopher L Christiansen, Esq. (AZ Bar No. 31370)

CASE STATUS

Apr 19, 2024....Reinstated Case

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: CON, S0300DO201900439, Spousal Maintenance, Cathleen Brown Nichols, Authoring Judge of Order.

OPEN DUE DATE

Reply/Cross-Answer Brief due

Due By: Wednesday, September 18, 2024

Re: FILED: Appellee's Answering Brief/Cross-Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)

[2 extensions]

56 PROCEEDING ENTRIES

- 1. 15-Sep-2023 FILED: Clerk's Affidavit of Service of Notice of Appeal
2. 25-Sep-2023 FILED: Index of Record, Notice of Appeal from Coconino County Superior Court filed 09/08/23
3. 25-Sep-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
4. 25-Sep-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 2-Oct-2023 FILED: Courtesy Copy - Clerk's Notice to Counsel and/or Parties Re: Notice of Cross-Appeal Filed (filed in Maricopa County Superior Court on 9/28/2023)
6. 10-Oct-2023 FILED: Notice of Payment of Appellant's Filing Fee; Certificate of Service (Appellant/Cross-Appellee)
7. 10-Oct-2023 ORDERED: Amending the caption and docket in this appeal by adding the designations of "cross-appellant" and "cross-appellee." The caption shown on this order shall be used on all future documents filed in this appeal. Melina Brill ProTem Judge - Author
8. 16-Oct-2023 RECEIPT No.: 2023-00969 ; \$280.00, Authorization: #89011576586, Applied to: SCOTT D. HOWIE - Class A Filing Fee (\$280.00) Paid for: Edward Jakob Walneck - By nCourt LLC
9. 20-Oct-2023 FILED: Appellate Clerk Notice Re: Appellee/Cross Appellant's Fee and Case Management Statement Due/Appellant/Cross Appellee's Brief Due
10. 3-Nov-2023 FILED: Case Management Statement (Appellee/Cross-Appellant)
11. 3-Nov-2023 ORDERED: Respondent's case management statement must be filed by 11/14/2023. The opening brief remains due on 11/24/2023. If the statement and brief are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author

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12. 9-Nov-2023 RECEIPT No.: 2023-01049 ; \$280.00, Authorization: #13011582577, Applied to: CHERYL A. HOWIE - Class A Filing Fee (\$280.00) Paid for: Keith Berkshire - By nCourt LLC
13. 14-Nov-2023 FILED: Case Management Statement (Appellant/Cross-Appellee)
14. 16-Nov-2023 FILED: Additional Record on Appeal:  
Physical Exhibits: Hearing Date 6/16/23 1, 2, 3, 4, 6, 8, 10, 13 Hearing Date 8/10/21 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, 106, 107, 108, 109, 112, 113, 114, 115, 117, 118, 119, 121, 122, 136, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156 Hearing Date 1/17/20 1, 4, 5, 6, 10, 11, 17, 18, 19, 20, 21, 22, 23, 28, 30 all in a large box
15. 22-Nov-2023 FILED: Appellant's Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
16. 24-Nov-2023 ORDERED: Appellant's Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 11-24-2023 to Tuesday, 01-30-2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
17. 5-Jan-2024 FILED: Notice of Filing Transcripts; Certificate of Service (Appellant/Cross-Appellee)
18. 5-Jan-2024 FILED: Reporter's Transcript - 08/12/2021 - Court Trial - Day 1 (Jennie O'Loughlin) (Appellant/Cross-Appellee)
19. 5-Jan-2024 FILED: Reporter's Transcript - 08/13/2021 - Court Trial - Day 2 (Jennie O'Loughlin) (Appellant/Cross-Appellee)
20. 5-Jan-2024 FILED: Reporter's Transcript - 08/16/2021 - Court Trial - Day 3 (Caroline C. Marks) (Appellant/Cross-Appellee)
21. 5-Jan-2024 FILED: Reporter's Transcript - 02/23/2022 - Continued Final Trial - Day 4 (Ivie Larsen) (Appellant/Cross-Appellee)
22. 5-Jan-2024 FILED: Reporter's Transcript - 03/22/2022 - (Continued Court Trial) (Jody Schlaht) (Appellant/Cross-Appellee)
23. 5-Jan-2024 FILED: Reporter's Transcript - 03/23/2022 - Court Trial - Day 6 (Caroline Marks) (Appellant/Cross-Appellee)
24. 5-Jan-2024 FILED: Reporter's Transcript - 03/29/2022 - Continued Final Trial (Jody Schlaht) (Appellant/Cross-Appellee)
25. 5-Jan-2024 FILED: Reporter's Transcript - 04/28/2022 - Continued Final Trial - Day 8 (Jody Schlaht) (Appellant/Cross-Appellee)
26. 5-Jan-2024 FILED: Reporter's Transcript - 04/29/2022 - Day Nine of Court Trial (Volume 1) (Caroline Marks) (Appellant/Cross-Appellee)
27. 5-Jan-2024 FILED: Reporter's Transcript - 04/29/2022 - Court Trial Continued from 04/28/2022 Volume II (Ivie Ann Larsen) (Appellant/Cross-Appellee)
28. 5-Jan-2024 FILED: Reporter's Transcript - 04/29/2022 - Day Nine of Court Trial (Volume 3) (Jennie O'Loughlin) (Appellant/Cross-Appellee)
29. 26-Jan-2024 FILED: Appellant's Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
30. 29-Jan-2024 ORDERED: Appellant's Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 01-30-2024 to Thursday, 03-07-2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
31. 5-Mar-2024 FILED: Appellant's Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant/Cross-Appellee)
32. 6-Mar-2024 ORDERED: Appellant's Motion to Extend Time to File Opening Brief (Appellant/Cross-Appellee) = GRANTED. Due date EXTENDED from Thursday, 03-07-2024 to Monday, 03-18-2024. If the brief is not filed timely, the court will dismiss this appeal and proceed only with the cross-appeal. Hon David B Gass - Author
33. 18-Mar-2024 FILED: Emergency Motion to Stay Appeal and Revest Jurisdiction; Certificate of Service (Appellee)
34. 19-Mar-2024 FILED: Response to Emergency Motion to Stay Appeal and Revest Jurisdiction; Certificate of Service (Appellant)
35. 19-Mar-2024 ORDERED: Emergency Motion to Stay Appeal and Revest Jurisdiction (Appellee) = DENIED. FURTHER ORDERED: Dismissing respondent's appeal. FURTHER ORDERED: Deeming the cross-appeal the primary appeal. FURTHER ORDERED: Amending the caption in this appeal by designating petitioner as appellant and respondent as appellee. The caption shown on this order shall be used on all future documents filed in this appeal. FURTHER ORDERED: Petitioner—and now appellant—Cheryl A. Howie must file her opening brief by 04/29/2024. If petitioner does not timely file the opening brief, the court will dismiss this appeal. Hon David B Gass - Author
36. 20-Mar-2024 ORDERED: Response to Emergency Motion to Stay Appeal and Revest Jurisdiction (Appellant) = TAKING NO ACTION. Melina Brill ProTem Judge - Author
37. 3-Apr-2024 FILED: Motion to Reinstate Appeal and File Opening Brief; Certificate of Service (Appellee)

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38. 11-Apr-2024 FILED: Response and Objection to Motion to Reinstate Appeal and File Opening Brief; Certificate of Service (Appellant)
39. 19-Apr-2024 FILED: Reply in Support of Motion to Reinstate Appeal and File Opening Brief; Certificate of Service (Appellee)
40. 19-Apr-2024 ORDERED: Motion to Reinstate Appeal and File Opening Brief (Appellee) = The court exercises its discretion, grants the motion, and reinstates respondent's appeal. FURTHER ORDERED: Amending the caption by changing the designations of the parties and adding the cross-appeal. All future documents filed in this appeal must use the caption shown on this order. FURTHER ORDERED: Appellant must file the opening brief by 04/29/2024. If the opening brief is not timely filed, the court will dismiss this appeal. FURTHER ORDERED: Awarding petitioner sanctions against respondent's counsel, Edward J. Walneck. Petitioner may file a motion for attorney fees and costs within 10 days. The fees may include time petitioner's counsel incurred responding to the extension motions and the motion to reinstate the appeal and any time spent preparing petitioner's opening brief originally due 04/29/2024. Hon David B Gass - Author
41. 23-Apr-2024 FILED: Motion for Procedural Order Re: Motion for Clarification; Certificate of Service (Appellee/Cross-Appellant)
42. 24-Apr-2024 ORDERED: Motion for Procedural Order Re: Motion for Clarification (Appellee/Cross-Appellant) = GRANTED and amending the caption in this appeal by designating respondent as appellant/cross-appellee and petitioner as appellee/cross-appellant. All future documents filed in this appeal must use the caption shown on this order. Melina Brill ProTem Judge - Author
43. 29-Apr-2024 FILED: Opening Brief of Respondent/Appellant/Cross-Appellee Scott D. Howie; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
44. 3-May-2024 FILED: Application and Affidavit for Attorney's Fees and Costs; Certificate of Service (Appellee/Cross-Appellant)
45. 17-May-2024 FILED: Appellant's Objection to Appellee's Application and Affidavit for Attorney's Fees and Cost; Certificate of Service; Attachment A (Appellant/Cross-Appellee)
46. 24-May-2024 FILED: Reply to Application and Affidavit for Attorney's Fees; Certificate of Service (Appellee/Cross-Appellant)
47. 28-May-2024 ORDERED: Application and Affidavit for Attorney's Fees and Costs (Appellee/Cross-Appellant) = GRANTED/awarding attorney's fee [sic] in the amount of \$4,233.00 to petitioner and against counsel for respondent Edward J. Walneck. Hon David B Gass - Author
48. 5-Jun-2024 FILED: Motion for Procedural Order Re: First Motion for Extension of Time to File Answering Brief and Cross-Opening Brief; Certificate of Service (Appellee/Cross-Appellant)
49. 5-Jun-2024 ORDERED: Motion for Procedural Order Re: First Motion for Extension of Time to File Answering Brief and Cross-Opening Brief (Appellee/Cross-Appellant) = GRANTED. Due date EXTENDED from Monday, 06-10-2024 to Monday, 06-24-2024. 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
50. 24-Jun-2024 FILED: Motion for Procedural Order Re: Second Motion for Extension of Time to File Answering Brief and Cross-Opening Brief; Certificate of Service (Appellee/Cross-Appellant)
51. 24-Jun-2024 ORDERED: Motion for Procedural Order Re: Second Motion for Extension of Time to File Answering Brief and Cross-Opening Brief (Cross-Appellant) = GRANTED. Due date EXTENDED from Monday, 06-24-2024 to Monday, 07-01-2024. If brief not timely filed, court will submit appeal for decision on record and opening brief. Melina Brill ProTem Judge - Author
52. 1-Jul-2024 FILED: Appellee's Answering Brief/Cross-Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
53. 7-Aug-2024 FILED: Motion for Procedural Order RE: First Motion for Extension of Time to File Reply Brief and Cross-Answering Brief; Certificate of Service (Appellant/Cross-Appellee)
54. 8-Aug-2024 ORDERED: Motion for Procedural Order RE: First Motion for Extension of Time to File Reply Brief and Cross-Answering Brief (Appellant/Cross-Appellee) = GRANTED. Due date EXTENDED from Monday, 08-12-2024 to Wednesday, 09-11-2024. If brief is not timely filed, court will submit appeal for decision on record and filed briefs. Melina Brill ProTem Judge - Author
55. 10-Sep-2024 FILED: Motion for Procedural Order Re: Second Motion for Extension of Time to File Reply Brief and Cross-Answering Brief; Certificate of Service (Appellant/Cross-Appellee)
56. 10-Sep-2024 ORDERED: Motion for Procedural Order Re: Second Motion for Extension of Time to File Reply Brief and Cross-Answering Brief (Appellant/Cross-Appellee) = GRANTED and extending the time to file the reply brief/cross-appeal answering brief from 09/11/2024 to 09/18/2024. No further extension will be granted. 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