

Court of Appeals, Division One

Civil - Family Court

1 CA-CV 23-0595 FC

KANE v. KANE

Appellate Case Information

Case Filed: 28-Sep-2023

Case Closed:

Dept/Composition

Side 1. In re the Matter of:

HEATHER MAUREEN KANE, Petitioner/Appellant

(Litigant Group) HEATHER MAUREEN KANE

- Heather Maureen Kane

Attorneys for: Petitioner/Appellant

Stanley D Murray, Esq. (AZ Bar No. 7208)

Side 2. TYLER KANE, Respondent/Appellee

(Litigant Group) TYLER KANE

- Tyler Kane

Co-Counsel for: Respondent/Appellee

Kaine R Fisher, Esq. (AZ Bar No. 24380)

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

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

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, FN2022-001285, Motion to Alter or Amend Pursuant to Rule 83(a), Monica Edelstein, Authoring Judge of Order.

OPEN DUE DATE

Reply Brief due

Due By: Thursday, September 19, 2024

Re: FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)

41 PROCEEDING ENTRIES

- 1. 28-Sep-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 08/31/23
2. 28-Sep-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: Hearing Date 9/22/22 1, 2, 5, 6, 10, 11, 13, 15, 22, 27, 35, 40 Hearing Date 5/16/23 1, 17, 25, 36, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 53, 56, 57, 60, 61, 62, 63, 64, 67, 73, 77, 80, 83, 84, 85
3. 28-Sep-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 13-Oct-2023 FILED: Notice Of Payment Of Filing Fee; Certificate of Service (Appellant)
5. 18-Oct-2023 FILED: Notice of Appearance as Attorney for Appellant; Certificate of Service (Appellant)
6. 19-Oct-2023 FILED: Motion to Stay Appeal; Certificate of Service (Appellant)
7. 19-Oct-2023 RECEIPT No.: 2023-00983 ; \$280.00, Authorization: #92006497238, Applied to: HEATHER MAUREEN KANE - Class A Filing Fee (\$280.00) Paid for: Allcock and Assoc - By nCourt LLC
8. 25-Oct-2023 FILED: Notice of Filing and Service of Trial Transcript; Certificate of Service (Appellant)
9. 25-Oct-2023 FILED: Reporter's Transcript - 05/16/2023 - Trial (Julie Nicholson) (Appellant)
10. 3-Nov-2023 ORDERED: Motion to Stay Appeal (Appellant) = GRANTED in part. FURTHER ORDERED: Pursuant to Arizona Rule of Civil Appellate Procedure 3(b), staying this appeal until 12/18/2023. FURTHER ORDERED: Revesting jurisdiction in the Maricopa County Superior Court and authorizing that court to consider a motion for a signed decree with Rule 78(b) language. This court does not express an opinion on the merits of such motion. FURTHER ORDERED: If the superior court enters a Rule 78(b) decree, appellant must file a timely notice of appeal from that decree. FURTHER ORDERED: Within 10 days after appellant files a notice of appeal from any subsequently entered decree, appellant shall file notice in this court with a copy of the notice of appeal and the ruling on the motion for a Rule 78(b) decree. FURTHER ORDERED: Directing appellant to file a status report in this court by 12/19/2023 if a notice pursuant to the previous paragraph is not filed before that date. FURTHER ORDERED: Vacating the 10/18/2023 and 11/27/2023 due dates for the case management statement and opening brief. The court will set due dates for the case management statement and opening brief after the stay is lifted. Melina Brill ProTem Judge - Author
11. 13-Dec-2023 FILED: Notice of Ruling on Motion for a Rule 78(b) Decree and Amended Notice of Appeal; Certificate of Service (Appellant)
12. 15-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record

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13. 20-Dec-2023 ORDERED: Granting appellant's request (request to continue stay) and staying this appeal until 01/19/2024, for the purposes set forth in this court's 11/03/2023 stay order—for the superior court to consideration a motion for a signed decree with Rule 78(b) compliant language. This court expresses no opinion on the merits of such motion. FURTHER ORDERED: If the superior court enters a Rule 78(b) decree, appellant must file a timely notice of appeal from that decree. FURTHER ORDERED: Appellant shall file a status report in this court by 01/19/2024, unless appellant already filed notice under the previous paragraph. Hon David B Gass - Author
14. 27-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record [includes Amended Notice of Appeal]
15. 19-Jan-2024 FILED: Status Report re: Ruling on Motion for a Rule 78(b) Decree and Order (Motion to Continue Stay); Certificate of Service (Appellant)
16. 22-Jan-2024 ORDERED: Status Report re: Ruling on Motion for a Rule 78(b) Decree and Order (Motion to Continue Stay) (Appellant) = Continuing the stay of this appeal until 02/20/2024, for the purposes set forth in this court's 11/03/2023 stay order—for the superior court to consideration a motion for a signed decree with Rule 78(b) compliant language. This court expresses no opinion on the merits of such motion. FURTHER ORDERED: If the superior court enters a Rule 78(b) decree, appellant must file a timely notice of appeal from that decree. FURTHER ORDERED: Appellant shall file a status report in this court by 02/20/2024, unless appellant already filed notice under the previous paragraph. Melina Brill ProTem Judge - Author
17. 29-Jan-2024 FILED: Second Notice of Ruling on Motion for a Rule 78(b) Decree and Amended Notice of Appeal; Certificate of Service (Appellant)
18. 31-Jan-2024 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: The case management statement is due by 02/12/2024, and the opening brief is due by 03/01/2024. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
19. 2-Feb-2024 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
20. 2-Feb-2024 FILED: Settlement Conference Program Notice
21. 5-Feb-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
22. 6-Feb-2024 FILED: Case Management Statement (Appellant)
23. 16-Feb-2024 FILED: Appellee's Notice of Payment of Filing Fee; Certificate of Service to Appellee's Notice of Payment of Filing Fee (Appellee)
24. 22-Feb-2024 FILED: Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
25. 23-Feb-2024 RECEIPT No.: 2024-00184 ; \$140.00, Authorization: #54007905002, Applied to: TYLER KANE - Class B Filing Fee (\$140.00) Paid for: Scott R Rowley - By nCourt LLC
26. 26-Feb-2024 ORDERED: Directing appellee to file a response to the extension motion by 3/5/24. FURTHER ORDERED: Appellant may file a reply in accordance with ARCAP 6(a)(2). FURTHER ORDERED: Vacating the 3/1/24 due date for the opening brief. The order ruling on the extension motion will set a due date to file the opening brief. Melina Brill ProTem Judge - Author
27. 6-Mar-2024 ORDERED: Motion to Extend Time to File Opening Brief (Appellant) = GRANTED and staying this appeal pending further order. FURTHER ORDERED: Directing appellant to file a status report by 04/08/2024, indicating the status of the superior court proceedings. Melina Brill ProTem Judge - Author
28. 8-Apr-2024 FILED: Status Report re: Superior Court Proceedings; Certificate of Service (Appellant)
29. 22-Apr-2024 FILED: Motion to Withdraw as Attorney of Record for Respondent/Appellee (With Consent); Certificate of Service; Certification of Compliance (Appellee)
30. 23-Apr-2024 ORDERED: Motion to Withdraw as Attorney of Record for Respondent/Appellee (With Consent) (Appellee) = GRANTED. FURTHER ORDERED: Status Report re: Superior Court Proceedings (Appellant) = GRANTED and continuing the stay of this appeal. FURTHER ORDERED: Directing appellant to file a status report by 05/23/2024, indicating the status of the superior court proceedings. Melina Brill ProTem Judge - Author
31. 1-May-2024 FILED: Notice of Appearance of Counsel for Respondent/Appellee; Certificate of Service (Appellee)
32. 7-May-2024 FILED: Second Notice/Status Report re: Superior Court Proceedings; Certificate of Service (Appellant)
33. 7-May-2024 FILED: Notice of Filing Third Amended Notice of Appeal; Certificate of Service (Appellant)
34. 8-May-2024 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: The opening brief is due by 06/24/2024. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
35. 17-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
36. 22-May-2024 FILED: Amended Case Management Statement (Appellant)

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- 37. 21-Jun-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
- 38. 2-Jul-2024 FILED: Notice of Association of Counsel for Appellee; Certificate of Service (Appellee)
- 39. 3-Jul-2024 FILED: Motion for Procedural Order RE: First Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
- 40. 5-Jul-2024 ORDERED: Motion for Procedural Order RE: First Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 07-31-2024 to Friday, 08-30-2024. If brief not timely filed, court will submit this appeal for decision on record and opening brief. Steven C Lawrence ProTem Judge - Author
- 41. 30-Aug-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)