

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 24-0318**

**COSTELLO v. MICKEVICH**

**Appellate Case Information**

Case Filed: 1-May-2024

Case Closed:

**Dept/Composition**

**Side 1. BRIAN COSTELLO, Plaintiff/Appellant**

**(Litigant Group) BRIAN COSTELLO**

- Brian Robert Costello

PRO SE

**Side 2. RACHEL MICKEVICH, Defendant/Appellee**

**(Litigant Group) RACHEL MICKEVICH**

- Rachel Mickevich

**Attorneys for: Defendant/Appellee**

Nancy R Giles, Esq. (AZ Bar No. 20163)

Laura C Martinez, Esq. (AZ Bar No. 31486)

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2023-016557	Breach of Contract		Dewain D Fox, Authoring Judge of Order		

**OPEN DUE DATE**

**Opening Brief due**

**Due By:** Thursday, September 26, 2024

[1 extension]

Re: \* 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 5/15/24. Appellant's Case Management Statement due 5/21/24 a

**21 PROCEEDING ENTRIES**

- 1-May-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/02/24
- 1-May-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
- 1-May-2024 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 5/15/24. Appellant's Case Management Statement due 5/21/24 and Opening Brief due 7/1/24. FURTHER ORDERED: Copy of this order to Arizona Department of Corrections, Rehabilitation & Reentry, and copy of order and case management statement form to appellant personally. Amy M Wood - Author
- 2-May-2024 FILED: Settlement Conference Program Notice
- 13-May-2024 FILED: Notice of Amended Notice of Appeal (Appellant Pro Per)
- 15-May-2024 FILED: Notice of Appearance and Payment of Appellee's Filing Fee; Certificate of Service for Notice of Appearance and Payment of Appellee's Filing Fee (Appellee)
- 20-May-2024 FILED: Case Management Statement (Appellant Pro Per)
- 20-May-2024 FILED: Notice Ariz.R.Civ.App.P.9(e)(2) (Request to Stay Appeal) (Appellant Pro Per)
- 21-May-2024 RECEIPT No.: 2024-00496 ; \$140.00, Authorization: #42005332774, Applied to: RACHEL MICKEVICH - Class B Filing Fee (\$140.00) Paid for: Giles Law Firm - By nCourt LLC
- 23-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Amended Notice of Appeal filed 5/13/24)
- 23-May-2024 FILED: Notice of Appellant's Paid Appeal Filing Fee (Appellant Pro Per)
- 10-Jun-2024 FILED: Motion for Procedural Order (Modify Opening Brief Deadline) (Appellant Pro Per)

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**21 PROCEEDING ENTRIES**

13. 11-Jun-2024 ORDERED: Notice Ariz.R.Civ.App.P.9(e)(2) (Request to Stay Appeal) (Appellant Pro Per)= GRANTED and staying appeal until 7/25/24. FURTHER ORDERED: Revesting jurisdiction in Maricopa superior court and authorizing that court to consider the pending Rule 60 motion. FURTHER ORDERED: if superior court grants motion, appellant must file notice indicating whether appellant intends to pursue appeal. FURTHER ORDERED: If a party wants this court to review additional rulings, party must file timely notice of appeal or amended notice of appeal. FURTHER ORDERED: If superior court has not ruled by 7/25/24, appellant must file notice regarding status of motion. FURTHER ORDERED: Vacating 7/1/24 due date for opening brief. Court will address the briefing schedule after superior court rules on pending motion. Melina Brill ProTem Judge - Author
14. 15-Jul-2024 FILED: Additional Minute Entry dated 7/9/24, filed 7/10/24, denying rule 60 Motion and affirming Final Judgment
15. 18-Jul-2024 ORDERED: Lifting stay of this appeal. FURTHER ORDERED: Opening brief due 8/27/24. If brief not timely filed, court will dismiss appeal. Melina Brill ProTem Judge - Author
16. 19-Jul-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
17. 22-Jul-2024 FILED: Notice of Ruling (Appellant Pro Per)
18. 2-Aug-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Second Amended Notice of Appeal)
19. 9-Aug-2024 FILED: Motion to Disqualify Defendant's Counsel (Oral Argument Requested) (Appellant Pro Per)
20. 9-Aug-2024 FILED: Motion for Procedural Order (Extension of Time for Opening Brief) (Appellant Pro Per)
21. 12-Aug-2024 ORDERED: Motion to Disqualify Defendant's Counsel (Oral Argument Requested) (Appellant Pro Per) = DENIED without prejudice to appellant seeking relief in superior court. FURTHER ORDERED: Motion for Procedural Order (Extension of Time for Opening Brief) (Appellant Pro Per) = GRANTED. Due date EXTENDED from Tuesday, 08-27-2024 to Thursday, 09-26-2024. If brief not timely filed, court will dismiss this appeal. Melina Brill ProTem Judge - Author