

Court of Appeals, Division One

Civil - Family Court

1 CA-CV 25-0100 FC

ABASCIANO v. ABASCIANO

Appellate Case Information

Case Filed: 4-Feb-2025

Case Closed: 3-Mar-2026

Reinstated x 1: 30-Mar-2026 Decision

Re-Closed:

Dept/Composition

Department D

Hon. David B Gass
Hon. Michael J Brown
Hon. Andrew J Becke

Side 1. In re the Marriage of:

MONICA LYNN ABASCIANO, Petitioner/Appellee

(Litigant Group) MONICA LYNN ABASCIANO

- Monica Lynn Abasciano

Attorneys for: Petitioner/Appellee

Jeffrey M Zurbruggen, Esq. (AZ Bar No. 16345)

Side 2. FRANK ABASCIANO, Respondent/Appellant

(Litigant Group) FRANK ABASCIANO

- Frank Abasciano

Attorneys for: Co-Cnsl/Appellant

Alan J Mamood, Esq. (AZ Bar No. 32628)

Ryan L Heath, Esq. (AZ Bar No. 36276)

CASE STATUS

Mar 30, 2026....Reinstated Case

Mar 4, 2026.....Motion for Reconsideration Pending

PREDECESSOR CASE(S)

Table with 6 columns: Predecessor Case(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, FN2021-091448, Petition for Dissolution of Non-Covenant Marriage with no Minor Children, Lisa Stelly Wahlin, Authoring Judge of Order.

PENDING MATTER

General Motion

Motion for Reconsideration (Appellant)

Filed: 4-Mar-2026

CASE DECISION

23-Jan-2026 MEMORANDUM DECISION

Michael Brown.....Author

David Gass.....Concur

Andrew Becke.....Concur

Filed: 23-Jan-2026

Mandate:

Decision Disposition

Affirmed in Part
Vacated
Remanded in Part with Instructions

40 PROCEEDING ENTRIES

- 1. 4-Feb-2025 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/06/25, Notice of Appeal from Maricopa County Superior Court filed 6/13/25 in the Supplemental Record filed 6/19/25.
2. 4-Feb-2025 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
Digital Exhibits: Petitioner Hearing Date 4/11/24 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 25, 26, 27, 31 Respondent Hearing Date 4/15/24 1, 2, 3, 4, 5, 6, 7, 15, 16, 17, 18, 23, 35, 37, 38, 39, 40, 43, 45, 50, 55, 56, 57, 58, 59, 60, 63, 64
3. 4-Feb-2025 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 4-Feb-2025 FILED: Notice of Payment of Filing Fee; Notice of Payment of Filing Fee (Duplicate) (Certificate of Service) (Appellant)
5. 10-Feb-2025 RECEIPT No.: 2025-00128 ; \$330.00, Authorization: #41018049090, Applied to: FRANK ABASCIANO - Class A Filing Fee (\$330.00) Paid for: Heath Law, PLLC - By nCourt LLC
6. 19-Feb-2025 FILED: Notice of Filing Transcripts; Reporter's Transcript - 10/1/2024 - Trial (JoEllen Byrne); Certificate of Service Re: Notice of Filing Transcripts (Appellant)
7. 19-Feb-2025 FILED: Notice of Filing Deposition Transcripts; Reporter's Transcript - 11/14/2022 - Deposition of Monica Abasciano (Jennifer Hanssen); Reporter's Transcript - 11/21/2023 - Deposition of Monica Abasciano (Mary Davis); Reporter's Transcript - 11/21/2024 - Deposition of Frank Abasciano (Mary Davis); Certificate of Service Re: Notice of Filing Deposition Transcripts (Appellant)

**Court of Appeals, Division One****Civil - Family Court****1 CA-CV 25-0100 FC****ABASCIANO v. ABASCIANO****40 PROCEEDING ENTRIES**

8. 24-Feb-2025 FILED: Respondent/Appellant Frank Abasciano's Case Management Statement; Certificate of Service Re: Case Management Statement (Appellant)
9. 3-Mar-2025 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
10. 3-Mar-2025 FILED: Settlement Conference Program Notice
11. 6-Mar-2025 RECEIPT No.: 2025-00229 ; \$165.00, Check Number: #4777, Applied to: MONICA LYNN ABASCIANO - Class B Filing Fee (\$165.00) Paid for: - By Jeffrey M Zurbriggen PC
12. 6-Apr-2025 FILED: Opening Brief of Appellant; Certificate of Compliance; Proof of Service (Appellant)  
[stricken per order filed 05/27/2025]
13. 15-May-2025 FILED: Motion to Extend Time (to File Answering Brief); Certificate of Service re: Motion to Extend Time (Appellee)
14. 16-May-2025 ORDERED: Motion to Extend Time (to File Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Friday, 05-16-2025 to Tuesday, 05-20-2025. 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
15. 19-May-2025 FILED: Motion to Strike and Extend Time (Request for Extension for Answering Brief); Certificate of Service Re: Motion to Strike and Extend Time (Appellee)
16. 19-May-2025 ORDERED: Motion to Strike and Extend Time (Request for Extension for Answering Brief) = GRANTED for the extension request. FURTHER ORDERED: Vacating the 05/20/2025 due date for the answering brief. The order ruling on the pending motion to strike will address the briefing schedule. Melina Brill ProTem Judge - Author
17. 19-May-2025 FILED: Appellant's Motion for Reconsideration Regarding Appellee's Motion to Strike and Extend Time; Proof of Service; Exhibit 1 (Appellant)
18. 20-May-2025 FILED: Response to Appellant's Motion for Reconsideration Regarding Appellee's Motion to Strike and Extend Time; Certificate of Service re: Response to Appellant's Motion for Reconsideration Regarding Appellee's Motion to Strike and Extend Time (Appellee)
19. 20-May-2025 FILED: Appellant's Reply in Support of Motion for Reconsideration Regarding Appellee's Motion to Strike and Extend Time; Proof of Service (Appellant)
20. 23-May-2025 FILED: Appellant's Response and Objection to Appellee's Motion to Strike and Extend Time and Request for Immediate Ruling; Proof of Service (Appellant)
21. 27-May-2025 ORDERED: Motion to Strike and Extend Time (Request for Extension for Answering Brief) (Appellee) = GRANTED in part and striking the opening brief filed 04/06/2025. FURTHER ORDERED: Appellant must re-file the opening brief by 06/03/2025 without the attorney fees argument. No further modification is permitted. If appellant does not file the opening brief timely, the court will dismiss this appeal. FURTHER ORDERED: Appellant's Motion for Reconsideration Regarding Appellee's Motion to Strike and Extend Time (Appellant) = DENIED. FURTHER ORDERED: Denying appellee's request for attorney fees in response to the motion for reconsideration without prejudice to the merits panel considering a request for attorney fees in the briefing. Hon David B Gass - Author
22. 28-May-2025 FILED: Opening Brief of Appellant; Certificate of Compliance; Proof of Service (Appellant)
23. 28-May-2025 FILED: Appellant's Motion to Suspend Rules Under ARCAP 3(A) and Request for Expedited Briefing Schedule; Proof of Service; Exhibits 1-5 (Appellant)
24. 29-May-2025 ORDERED: Appellant's Motion to Suspend Rules Under ARCAP 3(A) and Request for Expedited Briefing Schedule (Appellant) = DENIED. Hon David B Gass - Author
25. 13-Jun-2025 FILED: Notice of Change of Address; Proof of Service (Appellant)
26. 19-Jun-2025 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Appeal filed 6/13/25)
27. 27-Jun-2025 FILED: Appellant's Motion to Reset Briefing Schedule; Proof of Service (Appellant)
28. 27-Jun-2025 ORDERED: Appellant's Motion to Reset Briefing Schedule (Appellant) = DENIED. Steven C Lawrence ProTem Judge - Author
29. 7-Jul-2025 FILED: Answer [sic] Brief; Certificate of Compliance Re: Answer [sic] Brief of Appellee; Certificate of Service Re: Answer [sic] Brief of Appellee (Appellee)
30. 8-Jul-2025 ORDERED: Appellee must file a signed certificate of compliance by 7/18/25. Melina Brill ProTem Judge - Author
31. 9-Jul-2025 FILED: Certificate of Compliance re: Answer Brief of Appellee; Certificate of Service re: Answer Brief of Appellee (Appellee)
32. 28-Jul-2025 FILED: Reply Brief of Appellant; Respondent/Appellant's Certificate of Compliance; Certificate of Service Re: Reply Brief (Appellant)
33. 28-Aug-2025 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
34. 8-Sep-2025 FILED: Supplemented Superior Court e-Record with Revised Index of Record

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**40 PROCEEDING ENTRIES**

35. 25-Sep-2025 CLNDR: CONFERENCE, Department D, 11-5-25, COURTROOM 2.
36. 23-Jan-2026 MEMORANDUM DECISION (Affirmed in Part, Vacated, Remanded in Part with Instructions) Hon Michael J Brown - Author; Hon David B Gass - Concur; Hon Andrew J Becke - Concur
37. 23-Jan-2026 FILED: Decision Distribution Notification
38. 3-Mar-2026 FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.  
[Vacated Per Order Filed 3/30/26]
39. 4-Mar-2026 FILED: Notice of Errata/Notice of Clerical Error and Motion for Leave to Deem Motion for Reconsideration Filed Nunc Pro Tunc; Declaration of Ryan Heath; Certificate of Service; Exhibits (A-C (C: Motion for Reconsideration)); [Proposed] Order Granting Notice of Errata/Notice of Clerical Error and Motion for Leave to Deem Motion for Reconsideration Filed Nunc Pro Tunc; Declaration of Ryan Heath (Appellant)
40. 30-Mar-2026 ORDERED: recalling the mandate issued 3/3/26. FURTHER ORDERED: Notice of Errata/Notice of Clerical Error and Motion for Leave to Deem Motion for Reconsideration Filed Nunc Pro Tunc (Appellant) = GRANTED/accepting appellant's motion for reconsideration as timely filed. FURTHER ORDERED: appellee may file a response to the motion no later than 30 days from the filing of this order. No reply will be permitted. Hon Michael J Brown - Author