

Court of Appeals, Division One

Civil - Family Court

1 CA-CV 25-0821 FC

DUDY v. WARDY

Appellate Case Information

Case Filed: 16-Oct-2025

Case Closed:

Dept/Composition

Consolidated with: 1 CA-CV 25-0675 FC

Side 1. In re the Matter of:

MARY DUDY, Petitioner/Appellant

(Litigant Group) MARY DUDY

- Mary Dudy

Attorney for: Petitioner/Appellant

Darin Robert Colburn, Esq. (AZ Bar No. 32202)

Side 2. ROBERT WARDY, Respondent/Appellee

(Litigant Group) ROBERT WARDY

- Robert Wardy

Attorney for: Respondent/Appellee

Brandon M Sander, Esq. (AZ Bar No. 33331)

Table with 6 columns: PREDECESSOR CASE (S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, FC2022-092297, Motion to Alter or Amend Pursuant to Rule 83, Keith A Miller, Authoring Judge of Order.

17 PROCEEDING ENTRIES

- 1. 16-Oct-2025 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 09/17/25
2. 16-Oct-2025 FILED: e-Record on Appeal: Combined Instruments/Minute Entries Exhibits: None
3. 21-Oct-2025 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 7-Nov-2025 FILED: Notice of Payment of Filing Fee; Certificate of Service of Appellant's Notice of Payment of Filing Fee (Appellant)
5. 13-Nov-2025 RECEIPT No.: 2025-01259 ; \$330.00, Authorization: # 17006133675, Applied to: MARY DUDY - Class A Filing Fee (\$330.00) Paid for: Colburn Hintze Maletta PLLC - By nCourt, LLC
6. 14-Nov-2025 ORDERED: Motion for Procedural Order Consolidating Appeals and Affirming Deadlines Set Forth in Appellate Clerk Notice filed October 21, 2025 (Appellant) = GRANTED and consolidating cases 1 CA-25-0675 FC and 1 CA-CV 25-0821 FC. Case no. 1 CA-CV 25-0675 FC is designated the primary number, and all future documents filed in this appeal must use the caption shown on this order. FURTHER ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 12/15/2025, re-vesting jurisdiction in superior court and authorizing that court to consider motion for signed order re: minute entry dated 08/15/2025, filed 08/19/2025. FURTHER ORDERED: Appellant must file motion asking superior court to enter signed order. If no order has been signed by 12/15/2025, appellant must file motion to continue this appeal that describes status of motion. Otherwise, this court will dismiss this appeal. FURTHER ORDERED: Case management for appeal 1 CA-CV 25-0821 FC is due by 12/29/2025, and opening brief due by 01/15/2026. If brief not timely filed, court will dismiss this appeal. FURTHER ORDERED: Appellee's filing fee of \$165.00, payable to the clerk of the court, for appeal 1 CA-CV 25-0821 FC is due by 12/29/2025. Melina Brill ProTem Judge - Author [Amended per order filed 11/18/2025]
7. 18-Nov-2025 AMENDED ORDER: Motion for Procedural Order Consolidating Appeals and Affirming Deadlines Set Forth in Appellate Clerk Notice filed October 21, 2025 (Appellant) = GRANTED and consolidating cases 1 CA-25-0675 FC and 1 CA-CV 25-0821 FC. Case no. 1 CA-CV 25-0675 FC is designated the primary number, and all future documents filed in this appeal must use the caption shown on this order. FURTHER ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 12/15/2025, re-vesting jurisdiction in superior court and authorizing that court to consider motion for signed order re: minute entry dated 08/15/2025, filed 08/19/2025. FURTHER ORDERED: Appellant must file motion asking superior court to enter signed order. If no order has been signed by 12/15/2025, appellant must file motion to continue this appeal that describes status of motion. Otherwise, this court will dismiss this appeal. FURTHER ORDERED: Case management is due by 12/29/2025, and opening brief due by 01/15/2026. If brief not timely filed, court will dismiss this appeal. FURTHER ORDERED: Appellee's filing fee of \$165.00, payable to the clerk of the court, for appeal 1 CA-CV 25-0821 FC is due by 12/29/2025. Melina Brill ProTem Judge - Author
8. 15-Dec-2025 FILED: Motion for Procedural Order Continuing Stay of Appeal; Certificate of Service of Appellants Motion for Procedural Order Continuing Stay of Appeal (Appellant)
9. 16-Dec-2025 ORDERED: Vacating the 01/15/2026 due date for the opening brief. The order ruling on the pending motion will set a due date to file the opening brief. Melina Brill ProTem Judge - Author

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1 CA-CV 25-0821 FC

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17 PROCEEDING ENTRIES

10. 29-Dec-2025 FILED: Case Management Statement; Certificate of Service of Appellant's Case Management Statement (Appellant)
11. 6-Jan-2026 ORDERED: Motion for Procedural Order Continuing Stay of Appeal (Appellant) = GRANTED in part and staying this appeal until 02/04/2026, revesting jurisdiction in superior court and authorizing that court to consider the motion for reconsideration, and if granted, the motion to alter or amend. FURTHER ORDERED that if the motion for reconsideration is denied, appellant must file a motion asking for a signed order corresponding to the 08/19/2025 minute entry. FURTHER ORDERED: Stay will be lifted automatically 02/05/2026 unless appellant files motion to continue stay of appeal. FURTHER ORDERED: Appellant must file notice with ruling attached, and indicating whether appellant intends to pursue appeal. If a party wants this court to review additional rulings, party must file timely notice of appeal or amended notice of appeal. FURTHER ORDERED: Opening brief due by 03/09/2026. If brief not timely filed, court will dismiss this appeal. Melina Brill ProTem Judge - Author
12. 4-Feb-2026 FILED: Motion for Procedural Order Continuing Stay of Appeal and Family Court Status Update; Certificate of Service of Appellant's Motion for Procedural Order Continuing Stay of Appeal and Family Court Status Update (Appellant)
13. 5-Feb-2026 ORDERED: Motion for Procedural Order Continuing Stay of Appeal and Family Court Status Update (Appellant) = GRANTED in part and continuing the stay of this appeal until 03/17/2026, to allow the superior court to consider and rule on the motion to alter or amend. The court does not express an opinion regarding the merits of that motion. FURTHER ORDERED: The stay will be lifted automatically on 03/18/2026, unless before that date appellant files a motion to continue the stay of the appeal that describes the status of the motion. FURTHER ORDERED: Within 10 days after the superior court rules on the motion, appellant must file a notice in this court with the ruling attached. FURTHER ORDERED: If the superior court grants the motion, the notice should indicate whether appellant intends to pursue this appeal. FURTHER ORDERED: If a party wants this court to review any additional rulings, that party must file a timely notice of appeal. FURTHER ORDERED: The opening brief is due by 04/16/2026. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
14. 17-Mar-2026 FILED: Motion for Procedural Order Continuing Stay of Appeal and Family Court Status Update; Certificate of Service of Appellant's Motion for Procedural Order Continuing Stay of Appeal and Family Court Status Update (Appellant)
15. 18-Mar-2026 ORDERED: Motion for Procedural Order Continuing Stay of Appeal and Family Court Status Update (Appellant) = GRANTED in part and continuing the stay of this appeal until 04/16/2026, to allow the superior court to consider and rule on the motion to alter or amend. The court does not express an opinion regarding the merits of that motion. FURTHER ORDERED: The stay will be lifted automatically on 04/17/2026, unless before that date appellant files a motion to continue the stay of the appeal that describes the status of the motion. FURTHER ORDERED: Within 10 days after the superior court rules on the motion, appellant must file a notice in this court with the ruling attached. FURTHER ORDERED: If the superior court grants the motion, the notice should indicate whether appellant intends to pursue this appeal. 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. FURTHER ORDERED: The opening brief is due by 05/18/2026. If the brief is not timely filed, this court will dismiss this appeal. FURTHER ORDERED: Directing the clerk of this court to send this order to the Honorable Rachel Hernandez and the Clerk of the Maricopa County Superior Court. Melina Brill ProTem Judge - Author
16. 24-Apr-2026 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes ME dated 04/14/2026]
17. 29-Apr-2026 FILED: Notice of Ruling; Certificate of Service of Appellant's Notice of Ruling (Appellant)