

Arizona Supreme Court
Civil Petition for Review - Family Court

CV-23-0160-PR

IN RE THE MARRIAGE OF QUIJADA/DOMINGUEZ

Appellate Case Information

Case Filed: 23-Jun-2023
 Case Closed:

Dept/Composition

En Banc
 Hon. Robert Brutinel
 Hon. Ann A. Scott Timmer
 Hon. Clint Bolick
 Hon. John R Lopez
 Hon. James P Beene
 Hon. William G Montgomery
 Hon. Kathryn H. King

Side 1. MARIA DEL CARMEN RENDON QUIJADA, Appellant

(Litigant Group) MARIA DEL CARMEN RENDON QUIJADA

- Maria Del Carmen Rendon Quijada

Attorneys for: Appellant

Peter E Herberg, Esq. (AZ Bar No. 13868)
 Siovhon S Ayala, Esq. (AZ Bar No. 29415)

Side 2. JULIAN JAVIER PIMIENTA DOMINGUEZ, Appellee

(Litigant Group) JULIAN JAVIER PIMIENTA DOMINGUEZ

- Julian Javier Pimienta Dominguez

Attorneys for: Appellee

Luke E Brown, Esq. (AZ Bar No. 28133)

Side 3. IMMIGRATION REFORM LAW INSTITUTE, Amicus Curiae

(Litigant Group) IMMIGRATION REFORM LAW INSTITUTE

- Immigration Reform Law Institute

Attorneys for: Amicus Curiae

Dennis I Wilenchik, Esq. (AZ Bar No. 5350)
 John D Wilenchik, Esq. (AZ Bar No. 29353)
 Garo Moughalian, Esq. (AZ Bar No. 38315)

CASE STATUS

Jun 18, 2024....Decision Rendered	Jan 23, 2024.....Submitted
Nov 8, 2023.....At Issue	Jun 23, 2023.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
2 CA 2 CA-CV 22-0174					
↵ PIM D20221319			James Alan Goodwin, Judge on PC Comments: (none)		

CASE DECISION

18-Jun-2024 OPINION

* Rendon has failed to establish that she has the legal capacity under federal law to establish domicile in the United States, and therefore she cannot legally be domiciled in Arizona. She cannot meet her burden of establishing jurisdiction for an Arizona

Filed: 18-Jun-2024	Mandate: _____
Decision Disposition	
CofA Vacated Reversed Remanded	

Clint Bolick.....Author
Robert Brutinel.....Concur
Ann Timmer.....Concur
John Lopez.....Concur
James Beene.....Concur
William Montgomery.....Dissent
Kathryn King.....Dissent

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18 PROCEEDING ENTRIES

1. 23-Jun-2023 FILED: Appellee's Petition for Review; Certificate of Service; Certificate of Compliance; Opinion; Order (PCSC) Filed 10/21/22 (Appellee Pimienta Dominguez)
2. 23-Jun-2023 FILED: Record From CofA: Link to Electronic Record
3. 29-Jun-2023 RECEIPT No.: 2023-00560 ; \$280.00, Authorization: 8561419808187740, Applied to: JULIAN JAVIER PIMIENTA DOMINGUEZ - Appellee's PR Filing Fee (\$280.00) Paid for: JULIAN JAVIER PIMIENTA DOMINGUEZ - By nCourt LLC
4. 24-Jul-2023 FILED: Appellant's Response to Appellee's Petition For Review; Certificate of Service; Certificate of Compliance (Appellant Quijada)
5. 1-Aug-2023 RECEIPT No.: 2023-00582 ; \$140.00, Authorization: 8209795599853964, Applied to: MARIA DEL CARMEN RENDON QUIJADA - Class B Filing Fee (\$140.00) Paid for: MARIA DEL CARMEN RENDON QUIJADA - By nCourt LLC
6. 8-Nov-2023 ORDERED: Appellee's Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter. Any amicus briefs are due on or before December 13, 2023 and any responses to amicus briefs are due on or before January 4, 2024. Any amicus briefs or responses may not exceed 20 pages in length.

Filing of a supplemental brief is permissive rather than mandatory. This order should not be construed as an invitation to repeat the contents of the Petition for Review, the Response, or any Reply. Lack of a supplemental brief shall not be considered an admission that the position of the opposing party or parties should prevail.

Counsel shall be advised of the date and time of oral argument at such time as the hearing date is determined.

The Clerk of the Court of Appeals, Division Two, Tucson, shall forward the remaining record (if any exists outside the electronic record) to the Clerk of the Supreme Court.
7. 13-Nov-2023 NOTICE OF ORAL ARGUMENT: Set of Tuesday, January 23, 2014, at 9:30 A.M. (twenty [20] minutes per side).
8. 13-Nov-2023 FILED: Notice of Acknowledgment of Oral Argument (Luke E. Brown will argue) (Appellee Dominguez)
9. 13-Nov-2023 FILED: Notice of Acknowledgment of Oral Argument (Peter E. Herberg will argue) (Appellant Quijada)
10. 14-Nov-2023 FILED: Record From Court of Appeals, Division 2: Remaining Record

Manila Envelope
Motion to Dismiss August 2, 2022; August 29, 2022
Exhibit Nos. 8, 9, 10, 11, 15, 17, 18
11. 22-Nov-2023 FILED: Respondent/Appellee's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee Dominguez)
12. 28-Nov-2023 FILED: Petitioner/Appellant's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Quijada)
13. 13-Dec-2023 FILED: Brief Amicus Curiae of Immigration Reform Law Institute in Support of Respondent/ Appellee; Certificate of Service; Certificate of Compliance (Amicus Immigration Reform)
14. 13-Dec-2023 FILED: Consent of all Parties (Amicus Immigration Reform)
15. 23-Jan-2024 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Luke E. Brown, Peter E. Herberg)
16. 18-Jun-2024 OPINION - Rendon has failed to establish that she has the legal capacity under federal law to establish domicile in the United States, and therefore she cannot legally be domiciled in Arizona. She cannot meet her burden of establishing jurisdiction for an Arizona court to consider her petition for dissolution. We would therefore find that the court of appeals erred with respect to the three issues presented, vacate the court of appeals' opinion, and affirm the trial court's judgment dismissing the matter. (Hon. Clint Bolick - Author; Hon. Robert Brutinel - Concur; Hon. Ann A. Scott Timmer - Concur; Hon. John R. Lopez IV - Concur; Hon James P. Beene - Concur; Hon William G. Montgomery - Dissent; Hon. Kathryn H. King - Dissent)
17. 19-Jun-2024 FILED: Motion to Stay Issuance of Mandate; Certificate of Service (Appellee Dominguez)
18. 19-Jun-2024 On June 19, 2024, Appellee Dominguez filed a "Motion to Stay Issuance of Mandate" for ninety days to permit time for filing a petition for writ of certiorari to the United States Supreme Court. After consideration and pursuant to Rule 24(d), ARCAP,

IT IS ORDERED granting the motion. The Issuance of the mandate shall be stayed 90 days, until October 1, 2024. (Hon. Clint Bolick)

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