

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-26-0137-PR

FOX v DASZY

Appellate Case Information

Case Filed: 27-Apr-2026 Archive on: 1-Jun-2036 (planned)
Case Closed: 1-Jun-2026

Dept/Composition

Side 1. KATHERINE A FOX, Appellant

(Litigant Group) KATHERINE A FOX

- Katherine Fox PRO SE

Side 2. WALTER S DASZY, Appellee

(Litigant Group) WALTER S DASZY

- Walter Daszy Attorneys for: Appellee
Kelsi Taylor Lane, Esq. (AZ Bar No. 31651)

CASE STATUS

Jun 1, 2026.....Case Closed

Jun 1, 2026.....Decision Rendered

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
2 CA	2 CA-CV 26-0094				
↔ PIN	S1100GC202200374		Daniel E Thorup, Trial Comments: (none)		

CASE DECISION

01-Jun-2026 ORDER

* On March 19, 2026, the Court of Appeals dismissed the appeal as untimely noting that the court received by mail on March 16, 2026, a notice of appeal challenging three rulings filed February 7, 2025, February 13, 2025 and October 29, 2025.

On April

John Lopez

Filed: **01-Jun-2026**

Mandate:

Decision Disposition

Dismissed

7 PROCEEDING ENTRIES

1. 27-Apr-2026 FILED: Motion for Leave to File Petition for Review Out of Time; Certificate of Service (Appellant Fox, Pro Se)
2. 27-Apr-2026 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Public Docket 2 CA CV-26-0094; Court Orders (Appellant Fox, Pro Se)
3. 27-Apr-2026 FILED: Appendix to Petition for Review; Certificate of Service (Appellant Fox, Pro Se)
4. 27-Apr-2026 FILED: Appellate Application for Deferral or Waiver of Court Fees and Consent to Entry of Judgment (Appellant Fox, Pro Se)
5. 27-Apr-2026 FILED: Record of CoFA: Link To Electronic Record
6. 29-Apr-2026 ORDERED: Appellate Application for Deferral or Waiver of Court Fees and Consent to Entry of Judgment (Appellant Fox, Pro Se) = DEFERRAL GRANTED/ No Payments Due Until Further Notice (Aaron C. Nash, Clerk)

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7 PROCEEDING ENTRIES

7. 1-Jun-2026 On March 19, 2026, the Court of Appeals dismissed the appeal as untimely noting that the court received by mail on March 16, 2026, a notice of appeal challenging three rulings filed February 7, 2025, February 13, 2025 and October 29, 2025.
- On April 27, 2026, Appellant Fox, Pro Se, filed a petition for review in this Court. Any petition for review was due no later than April 20, 2026. See ARCAP 23(b)(2)(A). Because Appellant did not file her petition for review until April 27, 2026, it is untimely.
- In her "Motion for Leave to File Petition for Review Out of Time," Petitioner contends, "the filing was delayed by one week due to technical difficulties and personal confusion regarding the proper submission of the application for deferral of Court Fees, and the restriction of the 20mb inclusion of exhibits." Petitioner does not explain why she could not have filed a timely request for extension.
- In her petition, Petitioner argues that she did not receive the 2025 trial court rulings timely and therefore should have been afforded relief under Rule 60(b)(1) and (b)(4). She has provided some filing reflecting an incorrect mailing address in distributions from the court, but her appendix includes documents establishing that she was aware of the proceedings and of the obligation to keep the court apprised of her correct address, and that she had provided an email address in addition to the mailing address in one of the cases. See (1) APP1 – Petitioner's Notice of Change of Address filed June 23, 2023 (provided without any certificate of service) reflecting both a mailing address and an email address and filed only in the 0374 case; (2) APP11, APP12, "outdated" mailing address and also email address reflected in a "Proof of Mailing Notice of Non-Appearance Hearing on Petitioner's Verified Application for Attorneys' Fees" dated December 23, 2024 in both the 0374 and the 0395 cases.
- Moreover, Ariz. R. Civ. P. 5.3(b) provides "Each attorney of record is responsible for keeping advised of the status of, and the deadlines in, pending actions in which that attorney has appeared," and requires the attorney to notify the clerk and court administrator of their current contact information. A party who conducts a case without an attorney is held to the same standards expected of a lawyer. *Kelly v. NationsBanc Mortg. Corp.*, 199 Ariz. 284, 287 ¶ 16 (App. 2000), as amended (Mar. 1, 2001).
- Even if a party is unaware of a proceeding through a clerk's error, "the parties involved, rather than the court system, [are] responsible for diligent prosecution of litigation." *Copeland v. Arizona Veterans Mem'l Coliseum & Exposition Ctr.*, 176 Ariz. 86, 90 (App. 1993) (in that case, the notice of a pending dismissal of a case)(internal citations omitted). In assessing the plaintiff's diligence, the trial court must evaluate the totality of the circumstances surrounding the prosecution of the case, including the activities of all parties involved and any impediments to vigorous prosecution. *Copeland*, 176 Ariz. at 89 (in the context of a motion for relief from judgment or Order under Rule 60).
- Although this dismissal is because the Petition is untimely, the Court is not convinced that Petitioner could establish that she was diligent in pursuing her claims. Therefore, upon consideration by the Court en banc,
- IT IS ORDERED dismissing Appellant's petition for review.
- IT IS FURTHER ORDERED denying the "Motion for Leave to File Petition for Review Out of Time" as moot. (Hon. John R Lopez IV)
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