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9 **MARICOPA COUNTY SUPERIOR COURT**
10 **STATE OF ARIZONA**

11 **In Re Matter of:**

Case No: FC2023-052114

12 **LAURA OWENS,**

AMENDED NOTICE OF APPEAL

13 **Petitioner,**

14 **And**

15 **CLAYTON ECHARD,**

Respondent.

16 Pursuant to Ariz. R. Civ. App. P. 8(a) and 9(a), Petitioner Laura Owens (“Laura”
17 or “Petitioner”) gives notice that she hereby *amends* the Notice of Appeal previously
18 filed in this case on September 5, 2024.

19 To be clear – this amendment is made solely to address an order issued *after* the
20 original notice was filed. As explained in the original Notice of Appeal, on August 19,
21 2024, the trial court issued a judgment and order that implicitly denied an earlier time-
22 extending motion which sought relief under Family Law Rules 83 and 85. Although the
23 August 19, 2024 fee judgment and order did not expressly deny (or even mention) the
24 pending Rule 83/85 motion, the original Notice of Appeal explained the order was
25 nevertheless appealable; “The [August 19th] Fee Judgment is appealable pursuant to Ariz.
26 R. Civ. App. P. 9(e)(1) because that rule only requires the entry of a signed written order
27 (which the Fee Judgment clearly is), not an order certifying the matter as final per Family
28 Law Rule 78(c) (as the June 18th decision was).” Notice of Appeal at 2:25–28.

1 In other words, the original Notice of Appeal asserted that the August 19, 2024
2 fee judgment should be treated as a “signed, written order” that resolved (by denying) a
3 pending motion to alter or amend filed by Laura on July 12, 2024. That July 12th motion
4 sought relief from a minute entry ruling filed June 18, 2024 which was certified as final
5 and appealable pursuant to Family Law Rule 78(b). This meant Laura’s time to appeal
6 the June 18th ruling was extended until the entry of a signed, final order denying the July
7 12th motion. *See* Ariz. R. Civ. App. P. 9(e)(1)(C). Thus, the original Notice of Appeal
8 identified the August 19, 2024 fee judgment as the primary order being appealed because
9 it granted relief that was only possible if the July 12th motion was denied.

10 Despite this, earlier today, on September 9, 2024, the Superior Court issued a new
11 one-line minute entry order purporting to deny the July 12, 2024 motion to alter/amend.
12 The September 9th minute entry order is unsigned, and does not contain a finality
13 certification pursuant to Family Law Rule 78(b). Nevertheless, for the same reasons
14 explained in the original Notice of Appeal, the unsigned September 9, 2024 minute order
15 is final and appealable pursuant to the rule explained in *Barassi v. Matison*, 130 Ariz.
16 418, 636 P.2d 1200 (Ariz. 1981).

17 To eliminate any possible confusion or doubt as to which orders/judgments are
18 subject to this appeal and which are not, Laura gives notice that her original Notice of
19 Appeal is hereby amended as follows: in addition to any/all orders identified in the
20 original notice, Laura also appeals to the Arizona Court of Appeals from the Superior
21 Court’s September 9, 2024 order denying her July 12, 2024 motion to alter/amend. *See In*
22 *re Marriage of Thorn*, 235 Ariz. 216, 219 (App. 2014) (explaining, “this court [of
23 appeals] only acquires jurisdiction over those matters identified in a timely filed notice of
24 appeal” but explaining appeal notices may be amended as needed to address new issues;
25 “amended notices of appeal have been recognized and at times implicitly encouraged
26”) (emphasis added) (explaining grounds for amending notice) (citing *Craig v. Craig*,
27 227 Ariz. 105, ¶ 13, 253 P.3d 624, 626 (2011); *In re Marriage of Kassa*, 231 Ariz. 592,
28 ¶¶ 5-6, 299 P.3d 1290, 1292 (App. 2013)).

1 Here, the original Notice of Appeal was timely because it was filed on September
2 5, 2024 which is less than 30 days from the date the fee judgment was entered on August
3 19, 2024. This amended Notice of Appeal is also timely because it seeks review of the
4 minute entry order filed earlier today. *See* Ariz. R. Civ. App. P. 9(e)(3) (explaining, “A
5 party intending to appeal *one or more* of the orders disposing of one or more of the
6 motions listed in Rule 9(e)(1) must file a notice of appeal ... *or an amended notice of*
7 *appeal* under Rule 8 within the time prescribed by Rule 9.”) (emphasis added).

8
9 DATED September 9, 2024.

GINGRAS LAW OFFICE, PLLC



David S. Gingras
Attorney for Petitioner
Laura Owens

1 **Original** e-filed
2 and **COPIES** e-delivered September 9, 2024 to:

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