

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

IN RE THE MARRIAGE OF

NATALIE M. HUGHES,
Petitioner/Appellee,

and

ROBERTO PANTOJA MALDONADO,
Respondent/Appellant.

No. 2 CA-CV 2016-0192-FC
Filed June 12, 2017

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f).

Appeal from the Superior Court in Pinal County
No. DO201400783
The Honorable Karl C. Eppich, Judge

APPEAL DISMISSED IN PART; AFFIRMED IN PART

COUNSEL

The Alexander Law Offices, PLC, Casa Grande
By Morgan P. Alexander
Counsel for Petitioner/Appellee

Roberto P. Maldonado Jr., Casa Grande
In Propria Persona

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MEMORANDUM DECISION

Judge Miller authored the decision of the Court, in which Presiding Judge Staring and Judge Espinosa concurred.

M I L L E R, Judge:

¶1 Roberto Maldonado challenges the trial court's rulings on legal decision-making and parenting time, child support, and spousal maintenance in the decree dissolving his marriage to Natalie Hughes. Although the court certified that decree as final and appealable pursuant to Rule 78(B), Ariz. R. Fam. Law P., Maldonado did not timely appeal, and we therefore lack jurisdiction to review the substantive issues. Ariz. R. Civ. App. P. 9(a) (party must file notice of appeal no later than thirty days after entry of judgment unless law provides otherwise); *see, e.g., Lopez v. Food City*, 234 Ariz. 349, ¶ 5, 322 P.3d 166, 168 (App. 2014). We dismiss the appeal inasmuch as it attempts to challenge the decree.

¶2 Maldonado's notice of appeal was timely only as to the trial court's September 16, 2016 ruling (1) denying Maldonado's motion for reconsideration, and (2) setting the amount of attorney fees Maldonado owed Hughes. However, we still lack jurisdiction to review the denial of Maldonado's motion for reconsideration because that motion did not present any issues other than those that could have been raised by appealing the underlying decree. *See In re Marriage of Dorman*, 198 Ariz. 298, ¶ 3, 9 P.3d 329, 331 (App. 2000) ("To be appealable, a special order after judgment must raise different issues than those that would be raised by appealing the underlying judgment."). We dismiss the appeal as to that issue.

¶3 As to the amount of attorney fees awarded, we have jurisdiction but Maldonado's brief does not comply with the Arizona

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Rules of Civil Appellate Procedure in several respects.¹ Most notably, he cites no facts or legal authority to support his argument that the trial court abused its discretion. *See* Ariz. R. Civ. App. P. 13(a)(7)(A) (brief must contain “supporting reasons for each contention” and “citations of legal authorities and appropriate references to the portions of the record on which the appellant relies”). “Merely mentioning an argument in an appellate opening brief is insufficient.” *MacMillan v. Schwartz*, 226 Ariz. 584, ¶ 33, 250 P.3d 1213, 1220 (App. 2011). Maldonado’s failure to present a significant argument with supporting legal authority constitutes abandonment and waiver of the issue of the amount of attorney fees. *See id.* We affirm the court’s judgment on that issue.

¶4 Having reviewed the record as to the financial resources of both parties and having considered the reasonableness of the parties’ positions throughout the proceedings, in our discretion, we grant Hughes’s request for appellate attorney fees and costs pursuant to A.R.S. § 25-324(A) and (C), upon compliance with Rule 21, Ariz. R. Civ. App. P. In our discretion, we deny her request for sanctions against Maldonado pursuant to Rule 25, Ariz. R. Civ. App. P.

¹Maldonado argues he should not be required to comply with our rules of procedure because he is a pro se litigant, but it is well-established that a pro se civil litigant “is given the same consideration on appeal as one who has been represented by counsel,” and “is held to the same familiarity with court procedures and the same notice of statutes, rules, and legal principles as is expected of a lawyer.” *Higgins v. Higgins*, 194 Ariz. 266, ¶ 12, 981 P.2d 134, 138 (App. 1999). We also note that self-represented litigants are provided additional materials to assist them in complying with Arizona law and procedure. *See, e.g.*, Scott H. Gan & Gary J. Cohen, *Guide for Self-Represented (“Pro Se” or “Pro Per”) Appellants and Appellees* (rev. ed. 2015), <http://www.azcourts.gov/Portals/89/PDF/PostedByASCFeb2016.pdf>.