



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**CORIEANNE MACDONALD v. SCOTT MACDONALD
CV-25-0309-PR**

PARTIES:

Appellant: Scott MacDonald (“Husband”)
Appellee: Corieanne MacDonald (“Wife”)

FACTS:

On January 21, 2025, the trial court entered a dissolution decree dissolving the parties’ marriage. The decree resolved all claims and contained language from Rule 78(c) of the Arizona Rules of Family Law Procedure, indicating that no further matters remain pending. Within 25 days, Husband filed a motion to alter or amend the decree pursuant to Rule 83. Husband subsequently filed a motion to stay execution of the decree, which the trial court granted.

On May 5, 2025, the trial court denied Husband’s motion to alter or amend, stating, in pertinent part, as follows: “This Court has no further matter before it based on the March 1, 2024 Petition, and therefore signs this as a final order pursuant to Rule 78(b), as other matters remain pending. The case shall remain open to resolve the post decree filings.”

On June 16, 2025, the trial court lifted the stay, stating as follows: “As there are no remaining issue[s] in this matter, the Court finds that this is a final order pursuant to Rule 78(c) of the Arizona Rules of Family Law Procedure.”

On June 17, 2025, Husband filed a notice of appeal from the decree, the May 5 ruling, and the June 16 order. The court of appeals dismissed the appeal as untimely. The court found that a ruling on a motion to alter or amend is not a “judgment” and does not require Rule 78(b) or (c) language to make it appealable. Thus, the court concluded that Husband’s notice of appeal should have been filed no later than 30 days after entry of the May 5 ruling.

ISSUE:

In family court actions, the appealability of an order is governed by Ariz. R. Fam. Law P. 78, which states that “[a] judgment as to all claims, issues, and parties is not appealable unless the judgment recites that no further matters remain pending, and that the judgment is entered under Rule 78(c).” Here, the trial court’s order denying Husband’s Motion to Alter or Amend contained additional findings and did not include finality language under Rule 78. Did the Court of Appeals err in holding that the time limit for filing a notice of appeal from that order began on the date it was entered, as opposed to the date it was certified as final under Rule 78?

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