Court of Appeals, Division One

Civil Appeal

1 CA-CV 13-0131 IMH et al. v. APERION et al.

Appellate Case Information

Case Filed: 26-Feb-2013

Case Closed:

Dept/Composition

Department D

Hon. Peter B Swann
Hon. Patricia A Orozco
Hon. Michael J Brown

Consolidated with: 1 CA-CV 14-0432 1 CA-CV 15-0182 1 CA-CV 15-0413 1 CA-CV 15-0474 1 CA-CV 15-0475 1 CA-CV 15-0514 1 CA-CV 15-0615

Side 1. IMH Special Asset NT 168, LLC, an Arizona limited liability company; and IMH Special Asset NT 168, LLC, an Arizona limited liability company, Plaintiff/Appellee

(Litigant Group) IMH et al.

- **IMH Special Asset NT 168 LLC**
- **IMH Special Asset NT 161 LLC**

Attorneys for: Plaintiffs/Appellees
Christopher H Bayley, Esq. (AZ Bar No. 10764)
Benjamin W Reeves, Esq. (AZ Bar No. 25708)

(Litigant Group) MCA/BIERMAN (from CV 14-0432 / CV 14-0833 / CV 14-0860 / CV 14-0861 / CV 15-0079 / CV 15-0081 / CV 15-0182 / CV 15-0413 / CV 15-0474 / CV 15-0475 / CV 15-0615)

- **MCA Financial Group LTD**
- **Keith Bierman**

Attorneys for: Court Appt. Reciever/Appellees
Richard M Amoroso, Esq. (AZ Bar No. 10756)
Christina W Kelly, Esq. (AZ Bar No. 19371)
Nathan J Kunz, Esq. (AZ Bar No. 24819)

(Litigant Group) REAVES LAW GROUP (from CV 15-0182 / CV 15-0474 / CV 15-0615)

- **Reaves Law Group**
- **David M Reaves**
  AZ Bar No. 11677
  [Current Member]
  Admitted 10/24/87

Attorney for: Receiver/Appellee
David M Reaves, Esq. (AZ Bar No. 11677)

Side 2. APERION COMMUNITIES, LLLP, an Arizona limited liability partnership; ELADIO PROPERTIES, LLLP, an Arizona limited liability limited partnership; DAVID P. MANIATIS, individually, and as trustee of the DPM-TT Trust under instruments dated June 6, 1995, by Eugenia Hoof Grantor, and MARK FAUCHER, and as trustee of the DPM-TT Trust under instruments dated June 6, 1995, by Eugenia Hoof Grantor, Defendant/Appellant

(Litigant Group) APERION

- **Aperion Communities LLLP** PRO SE

(Litigant Group) ELADIO PROPERTIES/MANIATIS/MARK FAUCHER

- **Eladio Properties LLLP**
- **David P Maniatis**
  AZ Bar No. 5913
  [Suspended]
  SOLE PRACTIONER
  Admitted 10/13/79
- **Mark Faucher**

Attorneys - Appellants & Co-Counsel for Maniatis
Thomas D Laue, Esq. (AZ Bar No. 20872)
Ronald E Warnicke, Esq. (AZ Bar No. 1791)
D Burr Udall, Esq. (AZ Bar No. 739)

(Litigant Group) NDM TRUST/ROBERT M. SEMPLE (from CV14-0432)

- **NDM Trust**
- **Robert M Semple**

Attorneys for: Appellant NDM Trust/Semple
David J Cantelme, Esq. (AZ Bar No. 6313)
D Aaron Brown, Esq. (AZ Bar No. 22133)
Samuel J Saks, Esq. (AZ Bar No. 24260)

(Litigant Group) MW2 INVESTMENTS (from CV 15-0182)

- **MW2 Investments LLC**

Co-Counsel for: Party in Interest/Appellant
R Stewart Halstead, Esq. (AZ Bar No. 3260)

CASE STATUS

Jan 10, 2017....Motion for Reconsideration Pending

Information presented in this document may not reflect all case activity and is subject to change without notice.

Court of Appeals, Division One

Civil Appeal

1 CA-CV 13-0131 IMH et al. v. APERION et al.

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2010-010943	Deficiency and Breach of Contract		Lisa Daniel Flores, Authoring Judge of Order		
MAR	CV2010-010990					

PENDING MATTER

General Motion Filed: 10-Jan-2017

Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellee)

CASE DECISION

27-Dec-2016 MEMORANDUM DECISION

Peter Swann.....Author
Andrew Gould.....Concur
Patricia Orozco.....Concur

Filed: **27-Dec-2016** Mandate:

Decision Disposition

Vacated in Part
Remanded in Part
Dismissed in Part

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)	
1 CA-CV 14-0432	IMH et al. v. ELADIO et al.
1 CA-CV 15-0182	IMH et al. v. MANIATIS et al.
1 CA-CV 15-0413	ELADIO et al. v. MCA
1 CA-CV 15-0474	IMH et al. v. MANIATIS
1 CA-CV 15-0475	MANIATIS v. MCA et al.
1 CA-CV 15-0514	IMH et al. v. ELADIO et al.
1 CA-CV 15-0615	IMH et al. v. MANIATIS

134 PROCEEDING ENTRIES

1.	26-Feb-2013	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/18/13 Bond filed in Superior Court: 1/23/13 Docketing Statement filed in Superior Court: 2/4/13
2.	26-Feb-2013	FILED: e-Record on Appeal (CV2010-010943): Instruments/Minute Entries Exhibits - not sent at this time
3.	26-Feb-2013	FILED: e-Record on Appeal (CV2010-010990): Instruments/Minute Entries
4.	6-Mar-2013	FILED: Notice to Counsel re: Appellants' Fee/Brief Due
5.	19-Mar-2013	FILED: Letter, 3/6/13, To Sanford Geraine PC, from Court, re Appellee's filing fee due
6.	21-Mar-2013	RECEIPT No.: 2013-00444 ; $280.00, Authorization: #79011614051, Applied to: APERION et al. - Class A Filing Fee Paid for: Sanford J Germaine PC - By Integrated Resource Systems IN
7.	22-Mar-2013	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
8.	2-Apr-2013	RECEIPT No.: 2013-00488 ; $140.00, Check Number: #13521, Applied to: IMH et al. - Class B Filing Fee Paid for: - By Stinson Morrison Hecker LLP
9.	12-Apr-2013	FILED: Motion for Procedural Order (First Request) (OB); Certificate of Service of Motion for Procedural Order (First Request) (Appellant)
10.	12-Apr-2013	FILED: Notice of Association of Appellate Counsel; Certificate of Service of Notice of Association of Appellate Counsel (Appellant)
11.	15-Apr-2013	ORDERED: Motion for Procedural Order (Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 04-15-2013 to Thursday, 05-30-2013 Melina Brill ProTem Judge - Author

Information presented in this document may not reflect all case activity and is subject to change without notice.

134 PROCEEDING ENTRIES

12.	19-Apr-2013	FILED: Motion to Revest Jurisdiction; Certificate of Service; Exhibit 1 - Rule 60(c) motion final; Exhibits to Rule 60(c) motion (Appellant)
13.	7-May-2013	FILED: Response to the Motion to Revest Jurisdiction in The Trial Court to Consider Rule 60(c) Motion and to the Motion to Suspend Appeal; Certificate of Service (Appellee)
14.	10-May-2013	FILED: Reply in Support of Motion to Revest; Certificate of Service (Appellant)
15.	14-May-2013	ORDERED: granting motion to revest jurisdiction. FURTHER ORDERED: suspending appeal to and including 7/1/13. FURTHER ORDERED: on 7/2/13, this appeal shall be automatically reinstated before this court. FURTHER ORDERED: extending the time for filing the opening brief to and including 8/1/13. Melina Brill ProTem Judge - Author
16.	27-Jun-2013	FILED: Plaintiffs/Appellees' Response to Appellants' Motion to Continue the Period of Suspension of the Appeal; Certificate of Service (Appellee)
17.	28-Jun-2013	FILED: 6/28/13, to Court, from Maricopa County Superior Court, re: Ruling denying Motion to Vacate Judgement
18.	1-Jul-2013	FILED: Motion to Continue Period of Suspension; Certificate of Service of Motion to Continue Suspension (Appellant)
19.	1-Jul-2013	FILED: Reply to Motion to Continue Suspension; Certificate of Service to Reply to Motion to Continue Suspension (Appellant)
20.	2-Jul-2013	ORDERED: continuing the period of suspension of this appeal to and including 8/1/13, to allow the superior court to consider appellants' pending proposed form of order. This appeal will be automatically reinstated on 8/1/13. FURTHER ORDERED: extending the time for filing the opening brief to and including 9/6/13. Barbara Vidal Vaught ProTem Judge - Author
21.	5-Aug-2013	FILED: Motion to Consolidate Appeals and Suspend Briefing; Certificate of Service of Motion to Consolidate; Notice of Appeal of June 2013 Orders; Notice of Appeal from July 2013 Orders (Appellant)
22.	5-Aug-2013	FILED: Notice of Bankruptcy Filing; Certificate of Service of Notice of Bankruptcy Filing (Appellant)
23.	6-Aug-2013	FILED: Motion For Withdrawal Of Counsel and Motion For Expedited Ruling and Alternative Motion To Suspend Appeal (Appellant); Certificate of Service
24.	6-Aug-2013	ORDERED: staying this appeal until further order. FURTHER ORDERED: directing counsel for appellants to advise this court promptly of any bankruptcy court order terminating the automatic stay and to file written notice with this court of the status of the bankruptcy proceedings on or before 2/3/14. Barbara Vidal Vaught ProTem Judge - Author
25.	8-Aug-2013	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Appeal; Reporter's Transcript - 06/11/2013 - Oral Argument (Scott M Coniam))
26.	4-Sep-2013	ORDERED: granting the motion to withdraw. FURTHER ORDERED: appellants shall advise this court promptly of any bankruptcy court order terminating the automatic stay and file written notice with this court of the status of the bankruptcy proceedings on or before 2/3/14. Barbara Vidal Vaught ProTem Judge - Author
27.	5-Mar-2014	ORDERED: granting an extension until 3/14/14, for appellants to file a written status report of the bankruptcy court proceeding. Melina Brill ProTem Judge - Author
28.	28-Mar-2014	ORDERED: directing appellants to advise this court promptly of any bankruptcy court order terminating the automatic stay in case number 2:13-bk-12040-EPB and to file written notice with this court of the status of the bankruptcy proceedings on or before 6/27/14. Appellants are reminded that a corporation may not appear in court without an attorney. Melina Brill ProTem Judge - Author
29.	5-May-2014	FILED: Status Report; Certificate of Service (Appellee)
30.	5-May-2014	FILED: Certificate of Service (Appellee)
31.	6-May-2014	FILED: Amended Status Report; Amended Certificate of Service (Appellant)
32.	6-May-2014	FILED: Objection to Appellants' Status Report; Certificate of Service (Appellee)
33.	8-May-2014	RECEIPT No.: 2014-00551 ; $140.00, Authorization: #27017795785, Applied to: APERION et al. - Overpayment Class B ($140.00) Paid for: Terry Dwyer - By Integrated Resource Systems IN (Memo: Duplicate Pmt - See Rcpt 2012-0004 - Refund needed)

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134 PROCEEDING ENTRIES

34.	8-May-2014	ORDERED: continuing the stay of this appeal. FURTHER ORDERED: directing counsel for appellants to advise this court promptly of any bankruptcy court order terminating the stay and to file written notice with this court of the status of the bankruptcy proceedings on or before 9/8/14. Melina Brill ProTem Judge - Author
35.	14-May-2014	ORDERED: confirming this court's 5/8/14 order, continuing the stay of this appeal and directing a status report on or before 9/8/14. Melina Brill ProTem Judge - Author
36.	9-Sep-2014	FILED: Status Report; Amended Certificate of Service (Appellant)
37.	12-Sep-2014	ORDERED: directing counsel for appellants to advise this court promptly of any bankruptcy court order terminating the stay and to file written notice with this court of the status of the bankruptcy proceedings on or before 1/9/15. Melina Brill ProTem Judge - Author
38.	6-Oct-2014	FILED: Letter, 10/2/14, from Court to Appellant, refunding duplicate filing fee
39.	5-Nov-2014	ORDERED: granting Bierman's motion in part and dismissing NDM Trust's appeal from the appeal from the 4/18/14 order. FURTHER ORDERED: denying Bierman's motion as it pertains to the 9/19/14 amended notice of appeal from the denial of NDM Trust's amended notice of appeal from the order denying the motion for new trial. FURTHER ORDERED: consolidating case 1 CA-CV 13-0131 with 1 CA-CV 14-0432. Case no. 1 CA-CV 13-0131 is designated the primary number, and the above caption shall be used on all future documents filed in this appeal. FURTHER ORDERED: denying Aperion Defendants' motion to consolidate appeals as unnecessary. FURTHER ORDERED: continuing the stay of this consolidated appeal. FURTHER ORDERED: directing counsel for appellant Aperion Communities, LLLP, to advise this court promptly of any bankruptcy court order terminating the automatic stay of this appeal and to file written notice with this court of the status of the bankruptcy proceedings on or before 1/9/15. Hon Maurice Portley - Author
40.	13-Nov-2014	FILED: Returned US Mail, Order dated 11/5/14, addressed to Mark Faucher, undeliverable
41.	8-Jan-2015	FILED: Robert Semple's Motion to Deconsolidate and to Lift Stay; Certificate of Service (Appellant)
42.	8-Jan-2015	FILED: Status Report; Certificate of Service (Appellant)
43.	13-Jan-2015	FILED: David Maniatis' Joinder in Robert Semple's Motion to Deconsolidate and to Lift Stay; Certificate of Service (Appellant)
44.	28-Jan-2015	FILED: Appellees IMH Special Asset NT 168, LLC and IMH Special Asset NT 161, LLC's Response in Opposition To: (1) Appellants' Motion to Deconsolidate Appeal, and (2) David Maniatis' Joinder Re: Same; Certificate of Mailing; Exhibits A-D
45.	6-Feb-2015	FILED: Robert Semple's Reply Memorandum Supporting His Motion to Deconsolidate and to Lift Stay; Certificate of Service (Appellant)
46.	9-Feb-2015	FILED: David Maniatis' Joinder in Robert Semple's Reply Memorandum Supporting his Motion to Deconsolidate and to Lift Stay; Certificate of Service (Appellant)
47.	24-Feb-2015	ORDERED: Robert Semple's Motion to Deconsolidate and to Lift Stay (Appellant) = DENIED. FURTHER ORDERED: Continuing stay of this appeal. FURTHER ORDERED: Consolidating cases 1CA-CV-14-0833, 1CA-CV-14-0860, 1CA-CV-14-0861, 1CA-CV-15-0079 and 1CA-CV-15-0081. FURTHER ORDERED: Appellants Eladio Properties, et al., to obtain a bankruptcy order w/in 60 days. If appellants fail to obtain order, a status report to be filed on/before 4/27/15. Hon Patricia K Norris - Author
48.	4-Mar-2015	FILED: Returned US Mail,Order re: Motion to Deconsolidate/Amending Caption/Consolidating Appeals, dated 2/24/15, addressed to Mark Faucher, No Such Number
49.	16-Mar-2015	FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
50.	17-Mar-2015	FILED: Notice of Payment of Filing Fee (Appellee)
51.	10-Apr-2015	FILED: Case Management Statement (CV-15-0081) (Appellants)
52.	10-Apr-2015	FILED: Case Management Statement (CV-15-0079) (Appellants)
53.	29-Apr-2015	FILED: Status Report Re: Signed Order from State Court; Certificate of Service; Order filed 04/03/2015 in Maricopa County Superior Court re: Order Granting Joint Motion by Receivers MCA Financial Group, Ltd. and Reaves Law Group to Approve Partial Settlement and Intercreditor Agreement (Appellant)
54.	29-Apr-2015	FILED: Status Report Re: Order from Bankruptcy Court Confirming Stay Does Not Apply and Lifting Stay; Certificate of Service Re: Status Report Re Order From Bankruptcy Court (Appellant)

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134 PROCEEDING ENTRIES

55.	13-May-2015	FILED: Notice of Filing Bankruptcy Order Lifting Stay; Certificate of Service; Exhibit 1: Copy of order filed in Bankruptcy Court Lifting Stay (Appellant)
56.	14-May-2015	FILED: Notice of Filing "Appellees' Motion to Consolidate Appeal No. 1 CA-CV 15-0812 With Appeal No. 1 CA-CV 13-0131; Certificate of Mailing (Appellee)
57.	2-Jun-2015	FILED: Appellant MW2's Motion for Extension to File Opening Brief; Certificate of Service (Appellant)
58.	2-Jun-2015	FILED: Appellant MW2's Notice of Filing Motion for Extension to File Opening Brief; Certificate of Service (Appellant)
59.	2-Jun-2015	ORDERED: Appellees' Motion to Consolidate Appeal No. 1 CA-CV 15-0182 with Appeal No. 1 CA-CV 13-0131 = GRANTED. Case no. 1 CA-CV 13-0131 is designated primary number. FURTHER ORDERED: (Notice of Filing Bankruptcy Court Order Confirming Automatic Stay Does Not Extend to Non-Debtors and Lifting Automatic Stay as to Debtor Aperion Ammunties) Terminating stay of appeal entered by this court on 8/6/13. FURTHER ORDERED: Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 06-02-2015 to Friday, 07-17-2015 (Maniatis, et al.) Melina Brill ProTem Judge - Author
60.	4-Jun-2015	ORDERED: Appellant MW2's Motion for Extension to File Opening Brief (Appellant)= GRANTED/confirming court's 6/2/15 order. Melina Brill ProTem Judge - Author
61.	16-Jun-2015	FILED: Returned US Mail, Order Consolidating Appeals dated 6/2/15, addressed to Mark Faucher, Return to Sender - Unclaimed
62.	19-Jun-2015	FILED: Appellees' Motion to Dismiss Appeals; Certificate of Mailing (Appellee)
63.	19-Jun-2015	FILED: Appendix Volume I to Appellees' Motion to Dismiss Appeals (Appellee)
64.	19-Jun-2015	FILED: Appendix Volume II to Appellees' Motion to Dismiss Appeals (Appellee)
65.	24-Jun-2015	FILED: Notice of Association of Counsel for Party in Interest/Appellant MW2 Investments, LLC; Certificate of Service
66.	2-Jul-2015	FILED: Appellees' Motion to Continue Briefing Schedule Pending Resolution of Motion to Dismiss (Expedited Relief Requested); Certificate of Mailing (Appellee)
67.	6-Jul-2015	ORDERED: vacating 7/17/15 due date for opening briefs. Order ruling on pending motion to dismiss will set due date for filing opening briefs, if motion to dismiss is denied. Melina Brill ProTem Judge - Author
68.	13-Jul-2015	FILED: MW2 Investments LLC's Opposition to IMH's Motion to Dismiss; Certificate of Service (Appellant)
69.	13-Jul-2015	FILED: Appendix Part Two to MW2's Opposition to IMH's Motion to Dismiss; Table of Contents to Appendices to MW2's Opposition to IMH's Motion to Dismiss (Appellant)
70.	13-Jul-2015	FILED: Appendix Part One to MW2's Opposition to IMH's Motion to Dismiss; Table of Contents to Appendices to MW2's Opposition to IMH's Motion to Dismiss (Appellant)
71.	13-Jul-2015	FILED: Hart Entities' Motion to Submit a Response to Appellees' Motion to Dismiss as Amicus Curiea (sic); Certificate of Service (Amicus Curiae)
72.	13-Jul-2015	FILED: Hart Entities' Amicus Curiea (sic) Response to Appellees' Motion to Dismiss; Certificate of Service (Amicus Curiae) (stricken per order filed on 8/19/15 - rsl)
73.	13-Jul-2015	FILED: Response of Robert M Semple Successor Trustee of NDM Trust Opposing Appellees Motion to Dismiss; Certificate of Service of Response Opposing Motion to Dismiss; Exhibits 1-3 (Appellant)
74.	13-Jul-2015	FILED: Opposition to Motion to Dismiss Appeals (Eladio Properties/Maniatis/Faucher); Certificate of Service (Appellant)
75.	13-Jul-2015	FILED: Appendix; Attachment 1 to Appendix; Attachment 2 to Appendix (Appellant)
76.	14-Jul-2015	FILED: Kathy Mcquitty and Udall Law Firm's Joinder in Opposition to Motion to Dismiss Appeals; Certificate of Service (Appellant)
77.	24-Jul-2015	FILED: Appellees' Motion to Extend Deadline to Reply to Hart Entities' Amicus Curiae Response to Appellees' Motion to Dismiss; Certificate of Mailing; Exhibit A (Appellee)
78.	27-Jul-2015	FILED: IMH's Supplemental Appendix (Appellee)
79.	27-Jul-2015	FILED: Appellee's Response to Hart Entities' Motion to Submit a Response to Appellee's Motion to Dismiss as Amicus Curiae; Certificate of Mailing (Appellee)

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134 PROCEEDING ENTRIES

80.	27-Jul-2015	FILED: Reply to MW2 Investments LLC's Opposition to IMH's Motion to Dismiss; Certificate of Mailing (Appellee)
81.	27-Jul-2015	FILED: Reply to Response of Robert M. Semple, (Alleged) Successor Trustee of NDM Trust, Opposing Appellees' Motion to Dismiss; Certificate of Mailing (Appellee)
82.	27-Jul-2015	FILED: Reply to Opposition to Motion to Dismiss Appeals Filed by David P. Maniatis; Certificate of Mailing (Appellee)
83.	28-Jul-2015	FILED: Reply to Kathy McQuitty and Udall Law Firm's Joinder in Oppositions to Motion to Dismiss Appeals; Certificate of Mailing (Appellee)
84.	28-Jul-2015	ORDERED: granting motion/vacating 7/27/15 due for appellees to file a reply to Hart Entities' proposed Amicus Curiae response to appellees' motion to dismiss. Order ruling on pending "Hart Entities' Motion to Submit a Response to Appellees' Motion to Dismiss as Amicus Curiea (sic)" will set a due date for filing reply, if motion to submit is granted. Melina Brill ProTem Judge - Author
85.	30-Jul-2015	FILED: Notice of Filing "Appellees' Motion to Consolidate Appeal No. 1 CA-CV 15-0474 with Appeal No. 1 CA-CV 13-0131"; Certificate of Mailing (Appellee IMH Special)
86.	30-Jul-2015	FILED: Notice of Filing "Appellees' Motion to Consolidate Appeal No. 1 CA-CV 15-0413 with Appeal No. 1 CA-CV 13-0131"; Certificate of Mailing (Appellee IMH Special)
87.	3-Aug-2015	FILED: Hart Entities' Reply in Support of its Motion to Submit a Response to Appellees' Motion to Dismiss as Amicus Curiae; Certificate of Service (Amicus Curiae)
88.	6-Aug-2015	FILED: Returned US Mail,Order re: Reply dated 07/28/2015, addressed to Eladio Properties LLLP, Aperion Communities LLLP , Returned to Sender - Vacant
89.	19-Aug-2015	ORDERED: Hart Entities' Motion to Submit a Response to Appellees' Motion to Dismiss as Amicus Curiea (sic); (Amicus Curiae) = DENIED. FURTHER ORDERED: Striking hart Entities' Amicus Curiae Response to Appellees' Motion to Dismiss. Melina Brill ProTem Judge - Author
90.	26-Aug-2015	FILED: Returned US Mail, Order re: Motion to Submit a Resposne as Amicus Curiae dated 8/19/15, addressed to Aperion Communities, Return to Sender - Vacant
91.	26-Aug-2015	FILED: Returned US Mail, Order re: Motion to Submit a Resposne as Amicus Curiae dated 8/19/15, addressed to Mark Faucher, Return to Sender - Undeliverable
92.	1-Sep-2015	ORDERED: granting motions to consolidate and consolidating cases 1 CA-CV 15-0413, 1 CA-CV-15-0474 and 1 CA-CV-0514 with 1 CA-CV 13-0131. Case No. 1 CA-CV 13-0131 is designated primary number. FURTHER ORDERED: granting motion for an extension of time for filing opening brief and vacating 8/31/15, 9/28/15, and 10/13/15 due dates for opening briefs. Order ruling pending motion to dismiss will set a due date for filing opening briefs, if motion to dismiss is denied. Melina Brill ProTem Judge - Author
93.	2-Sep-2015	FILED: Case Management Statement for CV-15-0514 (Appellant)
94.	10-Sep-2015	FILED: Returned US Mail, Order re: Consolidating Appeals, etc., dated 9/1/15, addressed to Eladio Properties/Aperion Communities, Return to Sender - Undeliverable
95.	16-Nov-2015	ORDERED: granting motions to consolidate and consolidating cases 1 CA-CV 15-0475 and 1 CA-CV 15-0615 with 1 CA-CV 13-0131. Case No. 1 CA-CV 13-0131 is designated primary number. FURTHER ORDERED: Opening brief filed in 1 CA-CV 15-0475 shall also apply to appeal 1 CA-CV 15-0615. FURTHER ORDERED: Granting motion to stay briefing. Order ruling on pending motion to dismiss will address briefing schedule, if motion to dismiss is denied. Melina Brill ProTem Judge - Author
96.	24-Nov-2015	FILED: Returned US Mail, Order filed 11/16/15, addressed to Aperion Communities LLLP, Insufficient Address - Unable to Forward
97.	25-Nov-2015	ORDERED: Appellees' Motion to Dismiss Appeals = GRANTED IN PART and dismissing portion of appeal 1 CA-CV 14-0432. FURTHER ORDERED: dismissing appeals 1 CA-CV 14-0833, 1 CA-CV 14-0860, 1 CA-CV 14-0861, 1 CA-CV 15-0079, and 1 CA-CV 15-0081. FURTHER ORDERED: denying remainder of motion to dismiss appeals. FURTHER ORDERED: amending caption in this appeal as shown on this order. FURTHER ORDERED: court will consider appeal 1 CA-CV 13-0131 before remaining appeals. FURTHER ORDERED: opening brief(s) in appeal 1 CA-CV 13-0131 due on/before 1/22/2016. FURTHER ORDERED: staying briefing in the remaining appeals pending further order of this court. Hon Andrew W Gould - Author
98.	17-Dec-2015	FILED: Notice of Withdrawal of Counsel for Party in Interest/Appellant MW2 Investments, LLC; Certificate of Service (Appellant)

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134 PROCEEDING ENTRIES

99.	31-Dec-2015	FILED: Motion to Withdraw as Attorney of Record; Certificate of Service; Court of Appeals - Order re Motion to Withdraw (Appellee)
100.	14-Jan-2016	FILED: Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
101.	19-Jan-2016	ORDERED: Motion to Extend Time to File Opening Brief (Appellant) = GRANTED (all opening briefs). Due date EXTENDED from Friday, 01-22-2016 to Friday, 02-19-2016 Melina Brill ProTem Judge - Author
102.	25-Jan-2016	ORDERED: Motion to Withdraw as Attorney of Record (Attorney Jeffrey J Goulder) (Appellees IMH Special Asset NT 168, et al.) = GRANTED. Barbara Vidal Vaught ProTem Judge - Author
103.	4-Feb-2016	FILED: Returned US Mail, Order re: Extension of Time dated 2/4/16, addressed to Aperion Communities, Return to Sender - Undeliverable
104.	19-Feb-2016	FILED: Motion to Extend Word Limitation for Opening Brief; Certificate of Service (Appellant)
105.	19-Feb-2016	FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Eladio, et al.)
106.	19-Feb-2016	FILED: Appendix to Opening Brief; Exhibit 1; Exhibit 2; Exhibits 3 - 6 (Appellants Eladio, et al.)
107.	23-Feb-2016	ORDERED: Motion to Extend Word Limitation for Opening Brief (Appellant) = GRANTED and accepting opening brief filed on 2/19/16. FURTHER ORDERED: granting appellees leave to file an answering brief not to exceed 16,300 words. Hon Michael J Brown - Author
108.	4-Apr-2016	FILED: Answering Brief of Appellees IMH Special Asset NT 161, LLC and IMH Special Asset NT 168, LLC; Certificate of Compliance; Certificate of Service
109.	4-Apr-2016	FILED: Answering Brief of Receiver/Appellee David M Reaves; Certificate of Compliance; Certificate of Service
110.	4-Apr-2016	FILED: Appellee's Appendix Volume 1 (Appellees IMH Special Asset NT 161, LLC and IMH Special Asset NT 168, LLC)
111.	4-Apr-2016	FILED: Appellee's Appendix Volume 2 (Appellees IMH Special Asset NT 161, LLC and IMH Special Asset NT 168, LLC)
112.	7-Apr-2016	RECEIPT No.: 2016-00417 ; $140.00, Authorization: 97014406661, Applied to: IMH et al. - Overpayment Class B ($140.00) Paid for: Snell & Wilmer LLP - By Integrated Resource Systems (Memo: X-Ref 2013-00444 Refund Needed)
113.	21-Apr-2016	FILED: Motion to Extend Time to file Reply Brief; Certificate of Service (Appellant)
114.	25-Apr-2016	ORDERED: Motion to Extend Time to file Reply Brief; (Appellant) = GRANTED for all reply briefs. Due date EXTENDED from Monday, 05-02-2016 to Monday, 05-23-2016. Melina Brill ProTem Judge - Author
115.	27-Apr-2016	FILED: Motion to Strike Answering Brief of Reciver David M. Reaves; Certificate of Service (Appellant)(Duplicate)
116.	27-Apr-2016	FILED: Motion to Strike Answering Brief of Receiver David M. Reaves; Certificate of Service; Exhibit A (Appellant)
117.	9-May-2016	FILED: Receiver/Appellee David M. Reaves Response and Opposition to Motion to Strike Answering Brief of David M. Reaves; Certificate of Service (Appellee)
118.	9-May-2016	FILED: Appellees IMH Special Asset NT 161, LLC and IMH Special Asset NT 168, LLC Response to Motion to Strike Answering Brief of David M. Reaves; Certificate of Service (Appellee)
119.	12-May-2016	FILED: Returned US Mail, Order RE: Extension of Time - Reply Briefs dated 04/25/2016, addressed to Aperian Communities LLLP, Undeliverable
120.	23-May-2016	FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant Maniati)
121.	25-May-2016	FILED: Letter, 05/25/2016, from Court to Snell and Wilmer LLP, refunding $140.00 due to duplicate payment
122.	31-May-2016	ORDERED: Motion to Strike Answering Brief of Receiver David M. Reaves (Appellant) = DENIED. Hon Andrew W Gould - Author
123.	7-Jun-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
124.	8-Jun-2016	FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellants Eladio)

Information presented in this document may not reflect all case activity and is subject to change without notice.

134 PROCEEDING ENTRIES

125.	16-Jun-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
126.	17-Jun-2016	FILED: Additional Record on Appeal Exhibits: HD 10/12/12 - LIST# 1 6 7 9 10 14 16 18 19 20 21 22 23 24 34 in a manila envelope; HD 9/18/13 - LIST# 12 13 17 23 24 27 28 31 35 36 40 42 43 44 45 60 in a manila envelope; HD 9/19/13 - LIST# 1 2 in manila envelope; HD 11/14/13 - LIST# 1 3 5 7 14 15 in a manila envelope; HD 1/15/14 - LIST# 1 3 4 7 9 13 15 16 17 18 20 21 41 42 43 44 46 52 53 72 73 81 99 104 in a manila envelope; HD 6/3/14 - LIST# 5 6 13 14 16 17 18 19 21 23 25 27 in manila envelope; HD 10/23/15 - LIST# 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 in manila envelope
127.	23-Jun-2016	FILED: Joint Motion to Strike David P. Maniatis' Second Reply; Certificate of Mailing (Appellee)
128.	7-Jul-2016	CLNDR: CONFERENCE, Department D, 9-28-16, COURTROOM 2.
129.	15-Jul-2016	ORDERED: Joint Motion to Strike David P. Maniatis' Second Reply; Certificate of Mailing (Appellee) = DENIED. Hon Andrew W Gould - Author
130.	13-Sep-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
131.	27-Dec-2016	MEMORANDUM DECISION (Vacated in Part, Remanded in Part, Dismissed in Part) Hon Peter B Swann - Author; Hon Andrew W Gould - Concur; Hon Patricia A Orozco - Concur
132.	27-Dec-2016	FILED: Memorandum Decision Distribution List
133.	10-Jan-2017	FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellee)
134.	26-Jan-2017	FILED: Memorandum: Judge Brown for Judge Gould (Chief Judge Brown)

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