

Court of Appeals, Division One
Civil Appeal

1 CA-CV 13-0145

JP MORGAN v. MGM et al.

Appellate Case Information Case Filed: 6-Mar-2013 Case Closed:	Dept/Composition Department C Hon. Lawrence F Winthrop Hon. Maurice Portley Hon. Andrew W Gould
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Side 1. JP MORGAN CHASE BANK, N.A., a national association, in its independent capacity and as successor-in-interest to WASHINGTON MUTUAL BANK, F.A., Plaintiff/Appellee
 (Litigant Group) JP MORGAN CHASE BANK NA

- JP Morgan Chase Bank NA
- Attorneys for: Plaintiff/Appellee**
 Michael J Plati, Esq. (AZ Bar No. 16705)
 Anne L Tiffen, Esq. (AZ Bar No. 6987)

Side 2. MGM IV, LLP, a limited liability partnership; LAS VEGAS INVESTMENT HOLDINGS, INC., a Nevada corporation, Defendant/Appellant
 (Litigant Group) MGM IV, LLP

- MGM IV LLP
- Attorneys for: Defendant/Appellant**
 Andrew Abraham, Esq. (AZ Bar No. 7322)
 Daryl Manhart, Esq. (AZ Bar No. 5471)

(Litigant Group) LAS VEGAS INVESTMENT HOLDINGS

- Las Vegas Investment Holdings Inc
- Attorneys for: Defendant/Appellant**
 David E Shein, Esq. (AZ Bar No. 11708)
 Todd Matthew Adkins, Esq. (AZ Bar No. 025338)
 Sonia M Phanse, Esq. (AZ Bar No. 24215)

CASE STATUS

Sep 9, 2016.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2009-000258			Katherine M Cooper, Authoring Judge of Order		
MAR CV2009-019233					

DESCENDENT CASE(S)	
ASC CV-16-0226-PR	

CASE DECISION

11-Aug-2016 MEMORANDUM DECISION	Filed: 11-Aug-2016	Mandate: _____
Lawrence Winthrop.....Author		
Maurice Portley.....Concur		
Andrew Gould.....Concur		
	Decision Disposition	
	Affirmed	

56 PROCEEDING ENTRIES

1. 6-Mar-2013 FILED: Motion to Open Matter in Court of Appeals; Certificate of Service; Notices of Appeal (Appellant)
2. 8-Mar-2013 RECEIPT No.: 2013-00368 ; \$280.00, Authorization: #66015492301, Applied to: MGM IV, LLP - Class A Filing Fee Paid for: Burch & Cracchiolo PA - By Integrated Resource Systems IN

Court of Appeals, Division One
Civil Appeal

1 CA-CV 13-0145

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56 PROCEEDING ENTRIES

3. 11-Mar-2013 ORDERED: ORDER OF ASSIGNMENT TO SETTLEMENT CONFERENCE - this appeal has been selected for assignment to a settlement conference before Appellate Mediator Peter B. Swann on 4/18/13 at 1:30 p.m. in the State Courts Building, 1501 W. Washington St., Phoenix, AZ 85007. IT IS ORDERED each separately represented party shall submit a completed settlement statement form in an envelope marked "Confidential" addressed to Appellate Mediator, c/o Erica Bianchi-Jones, Settlement Conference Attorney, Arizona Court of Appeals, Div. 1, Room 203. FURTHER ORDERED: staying briefing schedule until further order. This order does not stay payment of filing fees, posting of bonds, filing notices of cross-appeal or Civil Appeals Docketing Statements. FURTHER ORDERED: attorney having most direct relationship with client for purpose of settlement shall attend settlement conference. FURTHER ORDERED: each party shall attend settlement conference in person unless court finds good cause to permit a party to appear by telephone. FURTHER ORDERED: an attorney's FAILURE TO APPEAR WITH CLIENT WILL RESULT IN SANCTIONS.
4. 15-Mar-2013 FILED: Appellee's Notice re: Appellee's Fee/Briefing schedule stayed
5. 20-Mar-2013 FILED: Stipulation to Waive Personal Appearance by Representative of Defendant Las Vegas Investment Holdings; Certificate of Service (Appellant)
6. 22-Mar-2013 RECEIPT No.: 2013-00446 ; \$280.00, Authorization: #80011417495, Applied to: LAS VEGAS INVESTMENT HOLDINGS - Class A Filing Fee Paid for: Chester & Shein PC - By Integrated Resource Systems IN
7. 25-Mar-2013 FILED: Notice of Payment of Appellee Filing Fee; Notice of Payment of Appellee Filing Fee (Appellee)
8. 26-Mar-2013 ORDER OF ASSIGNMENT TO SETTLEMENT CONFERENCE - this appeal has been selected for assignment to a settlement conference before Appellate Mediator Peter B. Swann on 4/22/13 at 1:30 p.m. in the State Courts Building, 1501 W. Washington St., Phoenix, AZ 85007. IT IS ORDERED each separately represented party shall submit a completed settlement statement form in an envelope marked "Confidential" addressed to Appellate Mediator, c/o Erica Bianchi-Jones, Settlement Conference Attorney, Arizona Court of Appeals, Div. 1, Room 203. FURTHER ORDERED: staying briefing schedule until further order. This order does not stay payment of filing fees, posting of bonds, filing notices of cross-appeal or Civil Appeals Docketing Statements. FURTHER ORDERED: attorney having most direct relationship with client for purpose of settlement shall attend settlement conference. FURTHER ORDERED: each party shall attend settlement conference in person unless court finds good cause to permit a party to appear by telephone. FURTHER ORDERED: an attorney's FAILURE TO APPEAR WITH CLIENT WILL RESULT IN SANCTIONS. Hon Peter B Swann - Author
9. 5-Apr-2013 FILED: e-Record on Appeal (CV2009-019233):
Instruments/Minute Entries
10. 5-Apr-2013 FILED: e-Record on Appeal (CV2009-000258):
Instruments/Minute Entries
Exhibits - not sent at this time
11. 5-Apr-2013 FILED: Index of Record, Notice of Appeal filed in Maricopa County Superior Court on 2/27/13 (Las Vegas);
Notice of Appeal filed on 3/27/13 (MGM)
Bonds Filed in Superior Court: 3/1/13 (Las Vegas; MGM)
Docketing Statement Filed in Superior Court: 2/27/13 (MGM; Las Vegas)
12. 23-Apr-2013 ORDERED: this appeal is returned to the court's docket for resumption of the normal appellate process. Hon Peter B Swann - Author
13. 24-Apr-2013 ORDERED: lifting stay of this appeal. FURTHER ORDERED: opening brief is due on or before 5/24/13. Melina Brill ProTem Judge - Author
14. 14-May-2013 FILED: Notice of Filing Transcript; Certificate of Service (Appellant)
15. 14-May-2013 FILED: Reporter's Transcript - 5/29/12 (J. Estepa) (Appellant)
16. 14-May-2013 FILED: Reporter's Transcript - 5/30/12 (Cynthia Adkins) (Appellant)
17. 14-May-2013 FILED: Reporter's Transcript - 5/31/12 (Matthew Smith) (Appellant)
18. 14-May-2013 FILED: Reporter's Transcript - 6/4/12 (Dianna Aldom) (Appellant)
19. 14-May-2013 FILED: Reporter's Transcript - 6/5/12 (Erica L. Van Ostrand) (Appellant)
20. 20-May-2013 FILED: Stipulation re Briefing Schedule; Certificate of Service; Order re Briefing Schedule (Appellant)
21. 22-May-2013 FILED: Amended Notice of Payment of Appellee Filing Fee; Certificate of Service of Amended Notice of Payment of Appellee Filing Fee (Appellee)

Court of Appeals, Division One
Civil Appeal

1 CA-CV 13-0145

JP MORGAN v. MGM et al.

56 PROCEEDING ENTRIES

22. 22-May-2013 ORDERED: Stipulation re Briefing Schedule (Appellant) = GRANTED. Due date EXTENDED from Friday, 05-24-2013 to Monday, 07-01-2013 Melina Brill ProTem Judge - Author
23. 24-May-2013 RECEIPT No.: 2013-00733 ; \$140.00, Authorization: 43008559956, Applied to: JP MORGAN CHASE BANK NA - Class B Filing Fee Paid for: Dickinson Wright/Mariscal Weeks PLLC - By Integrated Resource Systems IN
24. 1-Jul-2013 FILED: Appellant MGM's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
25. 1-Jul-2013 FILED: Appellant Las Vegas Investment Holdings' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
26. 1-Aug-2013 FILED: Notice of Appearance; Certificate of Service (Appellee)
27. 2-Aug-2013 FILED: Agreed Motion for Extension of Time to File Appellee's Answering Brief; Certificate of Service (Appellee)
28. 5-Aug-2013 ORDERED: Agreed Motion for Extension of Time to File Appellee's Answering Brief = GRANTED. Due date EXTENDED from Monday, 08-19-2013 to Friday, 09-27-2013 Barbara Vidal Vaught ProTem Judge - Author
29. 18-Sep-2013 FILED: Second Agreed Motion for Extension of Time to File Appellee's Answering Brief; Certificate of Service (Appellant)
30. 19-Sep-2013 ORDERED: Second Agreed Motion for Extension of Time to File Appellee's Answering Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 09-27-2013 to Friday, 10-04-2013 Melina Brill ProTem Judge - Author
31. 4-Oct-2013 FILED: Answering Brief of Appellee; Certificate of Compliance; Certificate of Service (Appellee)
32. 8-Oct-2013 ORDERED: Clerk of Maricopa County Superior Court to transmit any portion of record on appeal unavailable in electronic format, including but not limited to reporter's transcripts and exhibits, to clerk of the Court of Appeals, Division One on or before 10/23/13. Ruth Willingham - Author
33. 9-Oct-2013 FILED: Reporter's Transcript - 4/26/12 (Bonnie Furlong) (Appellee)
34. 15-Oct-2013 FILED: Request for Oral Argument; Certificate of Service (Appellee)
35. 23-Oct-2013 FILED: Additional Record on Appeal:
Exhibits: Hearing Date and # 1 2 3 4 5 6 7 8 9 10 12 13 14 15 16 17 18 19 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 38 40 42 43 44 45 53 in manila envelope
36. 25-Oct-2013 FILED: Stipulation re Reply Briefing Schedule; Certificate of Service; Order Re Reply Briefing Schedule (Appellant)
37. 28-Oct-2013 ORDERED: Stipulation re Reply Briefing Schedule (Appellant)= GRANTED. Due date EXTENDED from Tuesday, 10-29-2013 to Monday, 12-02-2013 Melina Brill ProTem Judge - Author
38. 2-Dec-2013 FILED: Appellant Las Vegas Investment Holdings' Joinder in MGM IV, LLP's Reply Brief; Appellant Las Vegas Investment Holdings' Certificate of Compliance; Appellant Las Vegas Investment Holdings' Certificate of Service (Appellant)
39. 2-Dec-2013 FILED: Request for Oral Argument; Certificate of Service (Appellant)
40. 2-Dec-2013 FILED: Appellant MGM's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
41. 21-Jan-2014 ORDERED: Request for Oral Argument = GRANTED. Hon Diane M Johnsen - Author
42. 31-Mar-2014 CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 5-21-14, 09:30 am, COURTROOM 1.
43. 7-Apr-2014 FILED: Notice of Oral Argument
44. 7-Apr-2014 FILED: Receipt of Notice of Oral Argument, signed by David E. Shein on 4/7/14 (Appellant); Certificate of Service (Appellant)
45. 7-Apr-2014 FILED: Receipt of Notice of Oral Argument, signed by Daryl Manhart on 4/7/14 (Appellant) (Appellant)
46. 21-May-2014 FILED: Sign-in Sheet/Case is Under Advisement (Dept C)
47. 23-May-2014 FILED: Notice of Change Re: Name of Law Firm and Address; Certificate of Service (Appellee)
48. 11-Aug-2016 MEMORANDUM DECISION (Affirmed) Hon Lawrence F Winthrop - Author; Hon Maurice Portley - Concur; Hon Andrew W Gould - Concur
49. 11-Aug-2016 FILED: Memorandum Decision Distribution List

Court of Appeals, Division One
Civil Appeal

1 CA-CV 13-0145

JP MORGAN v. MGM et al.

56 PROCEEDING ENTRIES

50. 25-Aug-2016 FILED: Plaintiff/Appellee's Verified Itemized Statement of Costs and Attorneys' Fees on Appeal; Certificate of Service (Appellee)
51. 25-Aug-2016 FILED: Affidavit of Anne L. Tiffen in Support of Plaintiff/Appellee's Verified Itemized Statement of Costs and Attorneys' Fees on Appeal (Appellee)
52. 9-Sep-2016 FILED: Email Notice from ASC re: Petition for Review filed 9/9/16; request for partial record
53. 12-Sep-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
54. 13-Sep-2016 FILED: Email Notice from ASC re: Petition for Review filed 9/12/16; request for partial record
55. 13-Sep-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
56. 7-Nov-2016 ORDERED: awarding attorneys' fees of \$51, 915.00 and costs of \$393.00 to Plaintiff/Appellee and against Appellant MGM IV, L.L.P. Hon Lawrence F Winthrop - Author