

Court of Appeals, Division One

Civil Appeal

1 CA-CV 14-0432

IMH et al. v. ELADIO et al.

Appellate Case Information

Case Filed: 24-Jun-2014

Case Closed:

Dept/Composition

Department D

Hon. Andrew W Gould
Hon. Peter B Swann
Hon. Patricia A Orozco

Consolidated with: 1 CA-CV 13-0131 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; IMH SPECIAL ASSET NT 161, LLC, an Arizona limited liability company, Plaintiff/Appellee

(Litigant Group) IMH SPECIAL ASSET NT 168 et al.

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

Attorneys for: Plaintiffs/Appellees

Christopher H Bayley, Esq. (AZ Bar No. 10764)
Benjamin W Reeves, Esq. (AZ Bar No. 25708)

Side 2. ELADIO PROPERTIES, LLLP, an Arizona limited liability partnership; DAVID P. MANIATIS, individually and as Trustee of the DPM TT TRUST, under instrument dated June 6, 1995, by Eugenia Hoof Grantor, Defendant/Appellant

(Litigant Group) ELADIO PROPERTIES et al.

- Eladio Properties LLLP
- David P Maniatis
AZ Bar No. 5913
[Suspended]
SOLE PRACTITIONER
Admitted 10/13/79
- DPM TT Trust

Attorneys for: Defendants/Appellants Eladio et al.

Thomas D Laue, Esq. (AZ Bar No. 20872)

Side 3. NDM TRUST, an irrevocable non-charitable trust, and ROBERT M. SEMPLE, in his official capacity as current and sole successor Trustee of the NDM TRUST, Appellant

(Litigant Group) NDM TRUST and ROBERT M. SEMPLE

- NDM Trust
- Robert M Semple

Attorneys for: Appellants 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)

Side 4. MCA Financial Group, Ltd., by and through KEITH BIERMAN, Receiver, Appellee

(Litigant Group) MCA/KEITH BIERMAN

- MCA Financial Group LTD
- Keith Bierman

Attorneys for: Court Appt. Receiver/Appellees

Richard M Amoroso, Esq. (AZ Bar No. 10756)
Christina W Kelly, Esq. (AZ Bar No. 19371)

CASE STATUS

Dec 27, 2016....Decision Rendered

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

2 OPEN DUE DATES

Motion for Reconsideration due

Due By: Wednesday, January 11, 2017

Re: 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

Petition for Review to ASC due

Due By: Thursday, January 26, 2017

Re: 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

Court of Appeals, Division One

Civil Appeal

1 CA-CV 14-0432

IMH et al. v. ELADIO et al.

CASE DECISION

27-Dec-2016 MEMORANDUM DECISION

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

Filed: 27-Dec-2016

Mandate:

Table with 1 column: Decision Disposition. Content: Vacated in Part, Remanded in Part, Dismissed in Part

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

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

120 PROCEEDING ENTRIES

- 1. 24-Jun-2014 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/16/14 (Maniatis); Amended NOA filed 5/16/14 (Maniatis); Notice of Appeal filed 5/16/14 (NDM); 5/21/14 (Maniatis)
2. 24-Jun-2014 FILED: e-Record on Appeal (CV2010-010990): Instruments/Minute Entries
3. 8-Jul-2014 FILED: e-Record on Appeal (CV2010-010943): Instruments/Minute Entries Exhibits/Sealed Documents - not sent at this time
4. 8-Jul-2014 FILED: Notice to Counsel re: Appellant's Fees/Brief Due
5. 9-Jul-2014 RECEIPT No.: 2014-00855 ; \$280.00, Check Number: #14039, Applied to: ELADIO PROPERTIES et al. - Class A Filing Fee (\$280.00) Paid for: - By Udall Law Firm LLP
6. 9-Jul-2014 FILED: Reporter's Transcripts - 01/14/14 Trial (Marylynn LeMoine)
7. 9-Jul-2014 FILED: Reporter's Transcripts - 01/15/14, Trial (Marylynn LeMoine)
8. 10-Jul-2014 FILED: Appellants' Notice of Pending Motions Under Rules 59(a) and 59(l), and Motion to Suspend Appeal; Certificate of Service of Appellants' Notice of Pending Motions Under Rules 59(a) and 59(l), and Motion to Suspend Appeal (Appellants NDM Trust/Semple)
9. 14-Jul-2014 RECEIPT No.: 2014-00884 ; \$280.00, Authorization: 95009631143, Applied to: NDM TRUST and ROBERT M. SEMPLE - Class A Filing Fee (\$280.00) Paid for: Cantelme & Brown PLC - By Integrated Resource Systems IN
10. 21-Jul-2014 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
11. 21-Jul-2014 FILED: Amended Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
12. 28-Jul-2014 FILED: Appellees IMH Special Asset NT 168, LLC and IMH Special Asset NT 161, LLC's Response in Opposition to Appellants' Motion to Suspend Appeal; Certificate of Service of Appellees IMH Special Asset NT 168 LLC and IMH Special Asset NT 161, LLC's Response in Opposition to Appellants' Motion to Suspend Appeal (Appellee)
13. 29-Jul-2014 FILED: Reporter's Transcript - 12/17/13 2nd part (Barbara Stockford) (Appellant)
14. 29-Jul-2014 FILED: Reporter's Transcript - 12/17/13 (Barbara Stockford) (Appellant)
15. 29-Jul-2014 FILED: Reporter's Transcript - 9/19/13 (Amy Weaver) (Appellant)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 14-0432****IMH et al. v. ELADIO et al.****120 PROCEEDING ENTRIES**

16. 29-Jul-2014 FILED: Reporter's Transcript - 9/18/13 (Amy Weaver) (Appellant)
17. 29-Jul-2014 FILED: Reporter's Transcript - 1/14/14 (Marilyn LeMoine) (Appellant)
18. 29-Jul-2014 FILED: Reporter's Transcript - 1/15/14 (Marylynn LeMoine) (Appellant)
19. 29-Jul-2014 FILED: Reporter's Transcript - 6/11/13 (Scott Coniam) (Appellant)
20. 30-Jul-2014 FILED: Joinder of Appellee MCA Financial Group, LTD., by and Through Keith Bierman in Appellees IMH Special Asset NT 168, LLC and IMH Special Asset NT 161, LLC's Response in Opposition to Appellants' Motion to Suspend Appeal; Certificate of Service of Joinder of Appellee MCA Financial Group, Ltd., by and Through Keith Bierman in Appellees IMH Special Asset NT 168, LLC and IMH Special Asset NT 161, LLC's Response in Opposition to Appellants' Motion to Suspend Appeal
21. 31-Jul-2014 RECEIPT No.: 2014-00962 ; \$140.00, Authorization: #11021219755, Applied to: IMH SPECIAL ASSET NT 168 et al. - Class B Filing Fee (\$140.00) Paid for: Snell & Wilmer LLP - By Integrated Resource Systems IN
22. 4-Aug-2014 RECEIPT No.: 2014-00977 ; \$140.00, Authorization: #16003806462, Applied to: MCA/KEITH BIERMAN - Class B Filing Fee (\$140.00) Paid for: Polsinelli PC - By Integrated Resource Systems IN
23. 8-Aug-2014 FILED: Appellants' Reply Supporting Their Motion to Suspend Appeal; Certificate of Service of Appellants' Reply Supporting Their Motion to Suspend Appeal (Appellant)
24. 11-Aug-2014 FILED: Appellants' Motion for Time Extension (Opening Brief); Certificate of Service of Appellants' Motion for Time Extension and Declaration Supporting Appellants' Motion for Time Extension; Declaration Supporting Appellants' Motion for Time Extension (Appellant)
25. 12-Aug-2014 FILED: Appellants' Supplement to Their Motion for Time Extension; Certificate of Service of Appellants' Supplement to Their Motion for Time Extension (Appellant)
26. 13-Aug-2014 ORDERED: extending the time to file the Opening Brief until after the court rules on the pending motion to suspend appeal. The order on that motion will set the date for the filing of the Opening Brief. Melina Brill ProTem Judge - Author
27. 14-Aug-2014 FILED: Reporter's Transcript - 11/14/13 (Marylynn LeMoine) (Appellant)
28. 18-Aug-2014 FILED: (VACATED PER ORDER 8/25/14) Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
29. 25-Aug-2014 ORDERED: granting Semple's motion and staying this appeal and revesting jurisdiction in the Superior Court of Maricopa County for the purpose of permitting that court to consider the pending motion for new trial, motion to dismiss appeal, and motion for reconsideration. FURTHER ORDERED: Semple shall file a notice with this court within 10 days after the superior court rules on the motion for new trial, the motion to dismiss appeal, and the motion for reconsideration. FURTHER ORDERED: directing Semple to file written notice with this court of the status of the motion for new trial, the motion to dismiss appeal, the motion for reconsideration on or before 10/2/14. FURTHER ORDERED: vacating the 8/18/14 due date for the opening briefs. After receipt of Semple's notice, the court will set a new date for the opening briefs. FURTHER ORDERED: amending the caption in this appeal by adding MCA Financial Group, Ltd., by and through Keith Bierman, as an appellee. Hon Margaret H Downie - Author
30. 19-Sep-2014 FILED: Appellants' Notice of Superior Court Rulings; Certificate of Service of Appellants' Notice of Superior Court Rulings (Appellant NDM Trust)
31. 22-Sep-2014 FILED: Notice By MCA Financial Group, Ltd., By and Through Keith Bierman, of Superior Court's Dismissal of the NDM Trust's Purported Appeal and Motion to Dismiss Robert Semple's Amended Notice of Appeal; Certificate of Service of Notice By MCA Financial Group, Ltd., By and Through Keith Bierman, of Superior Court's Dismissal of the NDM Trust's Purported Appeal and Motion to Dismiss Robert Semple's Amended Notice of Appeal; Exhibits A, B and C (Appellee MCA/Bierman)
32. 22-Sep-2014 FILED: Supplemented Superior Court e-Record with Revised Index of Record
33. 6-Oct-2014 FILED: Appellants' Response Opposing Motion to Dismiss; Certificate of Service (Appellant)
34. 20-Oct-2014 FILED: Reply of MCA Financial Group, Ltd., by and through Keith Bierman, in Support of Motion to Dismiss Robert Semple's Amended Notice of Appeal; Certificate of Service; Exhibits A-C (Appellee)

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35. 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
36. 13-Nov-2014 FILED: Returned US Mail, Order dated 11/5/14, addressed to Mark Faucher, undeliverable
37. 8-Jan-2015 FILED: Status Report; Certificate of Service (Appellant)
38. 8-Jan-2015 FILED: Robert Semple's Motion to Deconsolidate and to Lift Stay; Certificate of Service (Appellant)
39. 13-Jan-2015 FILED: David Maniatis' Joinder in Robert Semple's Motion to Deconsolidate and to Lift Stay; Certificate of Service (Appellant)
40. 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
41. 6-Feb-2015 FILED: Robert Semple's Reply Memorandum Supporting His Motion to Deconsolidate and to Lift Stay; Certificate of Service (Appellant)
42. 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)
43. 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
44. 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
45. 16-Mar-2015 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
46. 17-Mar-2015 FILED: Notice of Payment of Filing Fee (Appellee)
47. 10-Apr-2015 FILED: Case Management Statement (CV-15-0081) (Appellants)
48. 10-Apr-2015 FILED: Case Management Statement (CV-15-0079) (Appellants)
49. 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)
50. 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)
51. 2-Jun-2015 FILED: Appellant MW2's Motion for Extension to File Opening Brief; Certificate of Service (Appellant)
52. 2-Jun-2015 FILED: Appellant MW2's Notice of Filing Motion for Extension to File Opening Brief; Certificate of Service (Appellant)
53. 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 Amunties) 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
54. 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
55. 19-Jun-2015 FILED: Appellees' Motion to Dismiss Appeals; Certificate of Mailing (Appellee)
56. 19-Jun-2015 FILED: Appendix Volume II to Appellees' Motion to Dismiss Appeals (Appellee)

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57. 19-Jun-2015 FILED: Appendix Volume I to Appellees' Motion to Dismiss Appeals (Appellee)
58. 24-Jun-2015 FILED: Notice of Association of Counsel for Party in Interest/Appellant MW2 Investments, LLC; Certificate of Service
59. 2-Jul-2015 FILED: Appellees' Motion to Continue Briefing Schedule Pending Resolution of Motion to Dismiss (Expedited Relief Requested); Certificate of Mailing (Appellee)
60. 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
61. 13-Jul-2015 FILED: MW2 Investments LLC's Opposition to IMH's Motion to Dismiss; Certificate of Service (Appellant)
62. 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)
63. 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)
64. 13-Jul-2015 FILED: Hart Entities' Amicus Curiae (sic) Response to Appellees' Motion to Dismiss; Certificate of Service (Amicus Curiae) (stricken per order filed on 8/19/15 - rsl)
65. 13-Jul-2015 FILED: Hart Entities' Motion to Submit a Response to Appellees' Motion to Dismiss as Amicus Curiae (sic); Certificate of Service (Amicus Curiae)
66. 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)
67. 13-Jul-2015 FILED: Opposition to Motion to Dismiss Appeals (Eladio Properties/Maniatis/Faucher); Certificate of Service (Appellant)
68. 13-Jul-2015 FILED: Appendix; Attachment 1 to Appendix; Attachment 2 to Appendix (Appellant)
69. 14-Jul-2015 FILED: Kathy Mcquitty and Udall Law Firm's Joinder in Opposition to Motion to Dismiss Appeals; Certificate of Service (Appellant)
70. 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)
71. 27-Jul-2015 FILED: IMH's Supplemental Appendix (Appellee)
72. 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)
73. 27-Jul-2015 FILED: Reply to MW2 Investments LLC's Opposition to IMH's Motion to Dismiss; Certificate of Mailing (Appellee)
74. 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)
75. 27-Jul-2015 FILED: Reply to Opposition to Motion to Dismiss Appeals Filed by David P. Maniatis; Certificate of Mailing (Appellee)
76. 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)
77. 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 Curiae (sic)" will set a due date for filing reply, if motion to submit is granted. Melina Brill ProTem Judge - Author
78. 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)
79. 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)
80. 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)
81. 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

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82. 19-Aug-2015 ORDERED: Hart Entities' Motion to Submit a Response to Appellees' Motion to Dismiss as Amicus Curiae (sic); (Amicus Curiae) = DENIED. FURTHER ORDERED: Striking Hart Entities' Amicus Curiae Response to Appellees' Motion to Dismiss. Melina Brill ProTem Judge - Author
83. 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
84. 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
85. 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
86. 2-Sep-2015 FILED: Case Management Statement for CV-15-0514 (Appellant)
87. 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
88. 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
89. 24-Nov-2015 FILED: Returned US Mail, Order filed 11/16/15, addressed to Aperion Communities LLLP, Insufficient Address - Unable to Forward
90. 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
91. 17-Dec-2015 FILED: Notice of Withdrawal of Counsel for Party in Interest/Appellant MW2 Investments, LLC; Certificate of Service (Appellant)
92. 31-Dec-2015 FILED: Motion to Withdraw as Attorney of Record; Certificate of Service; Court of Appeals - Order re Motion to Withdraw (Appellee)
93. 14-Jan-2016 FILED: Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
94. 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
95. 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
96. 4-Feb-2016 FILED: Returned US Mail, Order re: Extension of Time dated 2/4/16, addressed to Aperion Communities, Return to Sender - Undeliverable
97. 19-Feb-2016 FILED: Appendix to Opening Brief; Exhibit 1; Exhibit 2; Exhibits 3 - 6 (Appellants Eladio, et al.)
98. 19-Feb-2016 FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Eladio, et al.)
99. 19-Feb-2016 FILED: Motion to Extend Word Limitation for Opening Brief; Certificate of Service (Appellant)
100. 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

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101. 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
102. 4-Apr-2016 FILED: Answering Brief of Receiver/Appellee David M Reaves; Certificate of Compliance; Certificate of Service
103. 4-Apr-2016 FILED: Appellee's Appendix Volume 1 (Appellees IMH Special Asset NT 161, LLC and IMH Special Asset NT 168, LLC)
104. 4-Apr-2016 FILED: Appellee's Appendix Volume 2 (Appellees IMH Special Asset NT 161, LLC and IMH Special Asset NT 168, LLC)
105. 21-Apr-2016 FILED: Motion to Extend Time to file Reply Brief; Certificate of Service (Appellant)
106. 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
107. 27-Apr-2016 FILED: Motion to Strike Answering Brief of Reciver David M. Reaves; Certificate of Service (Appellant)(Duplicate)
108. 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)
109. 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)
110. 12-May-2016 FILED: Returned US Mail, Order RE: Extension of Time - Reply Briefs dated 04/25/2016, addressed to Aperian Communities LLLP, Undeliverable
111. 23-May-2016 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant Maniati)
112. 31-May-2016 ORDERED: Motion to Strike Answering Brief of Receiver David M. Reaves (Appellant) = DENIED. Hon Andrew W Gould - Author
113. 7-Jun-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
114. 8-Jun-2016 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellants Eladio)
115. 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
116. 23-Jun-2016 FILED: Joint Motion to Strike David P. Maniatis' Second Reply; Certificate of Mailing (Appellee)
117. 7-Jul-2016 CLNDR: CONFERENCE, Department D, 9-28-16, COURTROOM 2.
118. 15-Jul-2016 ORDERED: Joint Motion to Strike David P. Maniatis' Second Reply; Certificate of Mailing (Appellee) = DENIED. Hon Andrew W Gould - Author
119. 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
120. 27-Dec-2016 FILED: Memorandum Decision Distribution List