

Court of Appeals, Division One

Civil Appeal

1 CA-CV 14-0625

COULTER et al. v. GRANT THORNTON

Appellate Case Information

Case Filed: 2-Oct-2014
Case Closed:

Dept/Composition

Department B
Hon. Diane M Johnsen
Hon. Kent E Cattani
Hon. John C Gemmill

Side 1. WILLIAM R. COULTER; MARK TKACH; and MILLS A. BROWN, Plaintiff/Appellant
(Litigant Group) WILLIAM R COULTER et al.

- William R Coulter
Mark Tkach
Mills A Brown

Attorneys for: Plaintiffs/Appellants

Joseph A Schenk, Esq. (AZ Bar No. 9260)
J Tyrrell Taber, Esq. (AZ Bar No. 5204)
Michael R Devitt, Esq. (AZ Bar No. 10212)

Side 2. GRANT THORNTON, LLP, Defendant/Appellee
(Litigant Group) GRANT THORNTON LLP

- Grant Thornton LLP

Attorneys for: Defendant/Appellee

Lawrence G D Scarborough, Esq. (AZ Bar No. 6965)
James D Smith, Esq. (AZ Bar No. 16760)
Craig S O'Dear, Esq. (MO Bar No. CraigODear)
Fred L Sgroi, Esq. (MO Bar No. FredSgroi)

CASE STATUS

Feb 3, 2017.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2011-020270, Breach of Contract; Breach of Fiduciary Duty; Fraud; Negligence, J Richard Gama, Authoring Judge of Order.

Table with 2 columns: DESCENDENT CASE(S), Cause/Charge/Class. Row 1: ASC, CV-17-0049-PR.

2 PENDING MATTERS

General Motion Filed: 10-Jan-2017
Appellants' Verified Statement of Itemized Taxable Costs on Appeal; Certificate of Service of Appellants' Verified Statement of Costs (Appellant)

General Motion Filed: 18-Jan-2017
Defendant/Appellee's Verified Statement of Costs on Appeal (Appellee)

CASE DECISION

03-Jan-2017 OPINION

Kent Cattani.....Author
Diane Johnsen.....Concur
John Gemmill.....Concur

Filed: 03-Jan-2017 Mandate:

Table with 1 column: Decision Disposition. Content: Affirmed in Part, Reversed in Part, Remanded.

37 PROCEEDING ENTRIES

- 1. 2-Oct-2014 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 08/25/14
Bond filed in Superior Court: 8/29/14
Docketing Statement filed in Superior Court: 9/9/14

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2. 2-Oct-2014 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 20-Oct-2014 FILED: Notice to Counsel re: Appellant's Fee/Brief Due
4. 21-Oct-2014 FILED: Notice of Payment of Appellants' Filing Fee; Certificate of Service (Appellant)
5. 28-Oct-2014 RECEIPT No.: 2014-01334 ; \$280.00, Authorization: #21252664, Applied to: WILLIAM R COULTER et al. - Class A Filing Fee (\$280.00) Paid for: Aiken Schenk Hawkins & Ricciardi PC - By Integrated Resource Systems IN
6. 3-Nov-2014 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
7. 3-Nov-2014 FILED: Appellee's Notice of Payment of Filing Fee; Certificate of Service (Appellee)
8. 5-Nov-2014 RECEIPT No.: 2014-01381 ; \$140.00, Authorization: #8016167331, Applied to: GRANT THORNTON LLP - Class B Filing Fee (\$140.00) Paid for: Bryan Cave LLP - By Integrated Resource Systems IN
9. 26-Nov-2014 FILED: Appellants' Request for Oral Argument; Certificate of Service of Request for Oral Argument (Appellant)
10. 26-Nov-2014 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service of Appellants' Opening Brief (Appellant)
11. 26-Nov-2014 FILED: Appendix to Appellants' Opening Brief (Appellant)
12. 3-Dec-2014 RECEIPT No.: 2014-01483 ; \$280.00, Authorization: Ref1:36021538281, Applied to: WILLIAM R COULTER et al. - Overpayment Class A (\$280.00) Paid for: Aiken Schenk Hawkins & Ricciardi PC - By Intresys Inc (Memo: X-Ref #2014-01334 Duplicate payment refund needed)
13. 19-Dec-2014 FILED: Appellee's Unopposed Motion for Extension of Time to File Answering Brief; Certificate of Service; Affidavit of James D. Smith (Appellee)
14. 22-Dec-2014 ORDERED: Appellee's Unopposed Motion for Extension of Time to File Answering Brief = GRANTED. Due date EXTENDED from Monday, 01-12-2015 to Wednesday, 02-11-2015. Melina Brill ProTem Judge - Author
15. 20-Jan-2015 FILED: Letter to Aiken Schenk Hawkins & Ricciardi on 1/16/15 re: Refund of duplicate filing fee
16. 11-Feb-2015 FILED: Answering Brief of Appellee Grant Thornton LLP; Certificate of Compliance; Certificate of Filing and Service
17. 11-Feb-2015 FILED: Appendix to Answering Brief (Appellee)
18. 24-Feb-2015 FILED: Motion for Extension of Time to File Appellants' Reply Brief; Certificate of Service (Appellant)
19. 25-Feb-2015 ORDERED: Motion for Extension of Time to File Appellants' Reply Brief = GRANTED. Due date EXTENDED from Monday, 03-09-2015 to Thursday, 04-02-2015. Melina Brill ProTem Judge - Author
20. 31-Mar-2015 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service of Appellants' Reply Brief
21. 31-Mar-2015 FILED: Appendix to Appellants' Reply Brief; (Appellants' Reply Brief) Appendix C through H
22. 5-May-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
23. 15-May-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Minute Entry dated 10/8/14 filed 10/13/14 re: granting Plaintiffs' Motion to Stay Proceedings to Enforce Judgment Pendign Appeal)
24. 19-May-2015 ORDERED: Appellants' Request for Oral Argument = GRANTED. Hon Diane M Johnsen - Author
25. 5-Nov-2015 CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 12-8-15, 09:30 am, COURTROOM 1.
26. 6-Nov-2015 FILED: Notice of Oral Argument
27. 6-Nov-2015 FILED: Return Receipt for Notice of Oral Argument signed by Joseph A Schenk on 11/6/15; Certificate of Service (Appellants)
28. 17-Nov-2015 FILED: Defendant/Appellee's Notice of Filing of Return Receipt for Notice of Oral Argument; Certificate of Filing and Service; Exhibit A - Return Receipt for Notice of Oral Argument signed by Craig S O'Dear on 11/6/15
29. 8-Dec-2015 FILED: Sign-in Sheet/Case is Under Advisement (Dept B)

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37 PROCEEDING ENTRIES

30. 3-Jan-2017 OPINION (Affirmed in Part, Reversed in Part, Remanded) Hon Kent E Cattani - Author; Hon Diane M Johnsen - Concur; Hon John C Gemmill - Concur
31. 3-Jan-2017 FILED: Opinion Distribution List
32. 10-Jan-2017 FILED: Appellants' Verified Statement of Itemized Taxable Costs on Appeal; Certificate of Service of Appellants' Verified Statement of Costs (Appellant)
33. 18-Jan-2017 FILED: Defendant/Appellee's Verified Statement of Costs on Appeal; Certificate of Filing and Service re: Defendant/Appellee's Verified Statement of Costs on Appeal (Appellee)
34. 18-Jan-2017 FILED: Defendant/Appellee's Objection to Appellants' Verified Statement of Itemized Taxable Costs on Appeal; Certificate of Filing and Service re: Defendant/Appellee's Objection to Appellants' Verified Statement of Itemized Taxable Costs on Appeal (Appellee)
35. 23-Jan-2017 FILED: Plaintiffs/Appellants' Objection to Appellee's Verified Statement of Costs on Appeal; Certificate of Service of Plaintiffs/Appellants' Objection to Appellee's Verified Statement of Costs on Appeal (Appellant)
36. 3-Feb-2017 FILED: Email Notice from ASC re: Petition for Review filed 2/2/17; request for partial record
37. 3-Feb-2017 FILED: Letter forwarding partial record to Arizona Supreme Court