

Court of Appeals, Division One

Civil Appeal

1 CA-CV 14-0650

MTR BUILDERS v. JAHAN

Appellate Case Information

Case Filed: 7-Oct-2014
Case Closed: 23-Dec-2016

Decision

Dept/Composition

Department D
Hon. Andrew W Gould
Hon. John C Gemmill
Hon. Margaret H Downie

**Side 1. MTR BUILDERS, INC., an Arizona corporation,
Plaintiff/Counterdefendant/, Plaintiff/Appellee-Cross Appellant
(Litigant Group) MTR BUILDERS INC**

- MTR Builders Inc

Attorneys for: Plaintiff/Appellee-Cross Appellant
Denise H Troy, Esq. (AZ Bar No. 12915)

**Side 2. JAHAN REALTY MANAGEMENT CORPORATION,
Defendant/Counterclaimant/, Defendant/Appellant-Cross Appellee
(Litigant Group) JAHAN REALTY MANAGEMENT CORPORATION**

- Jahan Realty Management Corporation

Attorneys for: Defendant/Appellant-Cross Appellee
Dennis I Wilenchik, Esq. (AZ Bar No. 5350)
Tyler Q Swensen, Esq. (AZ Bar No. 15322)

CASE STATUS

Dec 23, 2016....Case Closed

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2011-007463	Breach of Contract; Unjust Enrichment; Prompt Pay		James T Blomo, Authoring Judge of Order		

DESCENDENT CASE (S)

ASC CV-16-0118-PR

CASE DECISION

12-Apr-2016 MEMORANDUM DECISION

Andrew Gould.....Author
John Gemmill.....Concur
Margaret Downie.....Concur

Filed: **12-Apr-2016** Mandate: **23-Dec-2016**

Decision Disposition
Affirmed

46 PROCEEDING ENTRIES

- 7-Oct-2014 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 08/29/14 (Def); Notice of Cross Appeal from Maricopa County Superior Court filed 9/17/14 (Plf) Bond filed in Superior Court: 9/5/14 (Def); 9/23/14 (Plf) Docketing Statement filed in Superior Court: 9/15/14
- 7-Oct-2014 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
- 23-Oct-2014 FILED: Notice to Counsel re: Appellant's Fee/Brief Due
- 28-Oct-2014 FILED: Certificate of Compliance Regarding Payment of Appellant/Cross-Appellee's Filing Fee; Certificate of Service (Appellant)
- 31-Oct-2014 RECEIPT No.: 2014-01354 ; \$280.00, Check Number: # 03017578937, Applied to: JAHAN REALTY MANAGEMENT CORPORATION - Class A Filing Fee (\$280.00) Paid for: Wilenchik & Bartness PC - By Integrated Resource Systems IN
- 13-Nov-2014 FILED: Appellee's Notice re: Cross Appellant's Fee/Appellant's Brief Due
- 19-Nov-2014 ORDERED: Per Eaton Fruit, appeal stayed to/incl. 1/5/15. Opening Brief due 2/5/15. Melina Brill ProTem Judge - Author

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8. 26-Nov-2014 RECEIPT No.: 2014-01460 ; \$280.00, Check Number: #2757, Applied to: MTR BUILDERS INC - Class A Filing Fee (\$280.00)
Paid for: - By Dickinson Wright PLLC
9. 31-Dec-2014 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes signed Minute Entry filed 12/16/14 re: final Minute Entry dated 7/25/14)
10. 3-Feb-2015 FILED: Motion for Extension of Time to File Opening Brief (First Request); Certificate of Service (Appellant)
11. 5-Feb-2015 ORDERED: Motion for Extension of Time to File Opening Brief (First Request) (Appellant) = GRANTED. Due date EXTENDED from Thursday, 02-05-2015 to Monday, 03-09-2015 Melina Brill ProTem Judge - Author
12. 9-Mar-2015 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service
13. 27-Apr-2015 FILED: Answering Brief of Appellee/Cross-Appellant MTR Builders, Inc. and Opening Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service
14. 27-Apr-2015 FILED: Appendix in Support of Answering Brief of Appellee/Cross-Appellant MTR Builders, Inc. and Opening Brief on Cross-Appeal
15. 4-Jun-2015 FILED: Unopposed Motion for Extension of Time to File Answering/Reply Brief; Certificate of Service (Appellant)
16. 8-Jun-2015 ORDERED: Unopposed Motion for Extension of Time to File Answering/Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 06-15-2015 to Wednesday, 07-15-2015. Melina Brill ProTem Judge - Author
17. 15-Jul-2015 FILED: Appellant's Reply Brief on Appeal and Answering Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service
18. 7-Aug-2015 FILED: Reply Brief of Appellee/Cross-Appellant MTR Builders, Inc. in Support of its Cross-Appeal; Certificate of Compliance; Certificate of Service (Cross-Appellant)
19. 12-Aug-2015 FILED: Request for Oral Argument; Certificate of Service (Appellee)
20. 21-Aug-2015 FILED: Notice of Lodging Certified Copies of Trial Transcripts; Certificate of Service; Reporter's Transcript of Proceedings - 3/11/14 - Trial Day 1 (Hilda E Lopez); Reporter's Transcript of Proceedings - 3/12/14 - Trial Day 2 (Hilda E Lopez) (unsigned) (Appellant)
21. 21-Aug-2015 FILED: Reporter's Transcript of Proceedings - 3/13/14 - Trial Day 3 (Hilda E Lopez) (Appellant)
22. 21-Aug-2015 FILED: Reporter's Transcript of Proceedings - 3/14/14 - Trial Day 4 (Hilda E Lopez) (Appellant)
23. 21-Aug-2015 FILED: Reporter's Transcript of Proceedings - 3/17/14 - Trial Day 5 (Hilda E Lopez) (Appellant)
24. 31-Aug-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
25. 10-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
26. 10-Sep-2015 FILED: Additional Record on Appeal
Exhibits:
Hearing Date: 03/11/2014 - LIST # 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 17, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 49, 51, 52, 58, 60, 62, 63, 77, 81, 88, 89, 100, 101, 102, 107, 110, 111, 112, 113, 114, 115, 116 In Manila Envelope
27. 21-Sep-2015 ORDERED: Request for Oral Argument (Appellee) = GRANTED. Hon Michael J Brown - Author
28. 27-Jan-2016 FILED: Request to Set Date and Time for Oral Argument; Certificate of Service (Appellant)
29. 28-Jan-2016 ORDERED: Request to Set Date and Time for Oral Argument; (Appellant) = DENIED. Barbara Vidal Vaught ProTem Judge - Author
30. 29-Feb-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 4-6-16, 10:15 am, COURTROOM 2.
31. 2-Mar-2016 FILED: Notice of Oral Argument
32. 3-Mar-2016 FILED: Return Receipt for Notice of Oral Argument signed by Denise H Troy on 3/2/16; Certificate of Service (Appellee/Cross-Appellant)

Court of Appeals, Division One

Civil Appeal

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46 PROCEEDING ENTRIES

33. 29-Mar-2016 FILED: Return Receipt for Notice of Oral Argument signed by Dennis I Wilenchik on 3/2/16; Certificate of Service (Appellant)
34. 6-Apr-2016 FILED: Sign-in Sheet/Case is Under Advisement (Dept D)
35. 12-Apr-2016 MEMORANDUM DECISION (Affirmed) Hon Andrew W Gould - Author; Hon John C Gemmill - Concur; Hon Margaret H Downie - Concur
36. 12-Apr-2016 FILED: Memorandum Decision Distribution List
37. 14-Apr-2016 FILED: Appellee/Cross-Appellant's Request for Attorneys' Fees; Certificate of Service (Appellee)
38. 14-Apr-2016 FILED: Verified Itemized Statement of Costs; Certificate of Service (Appellee)
39. 27-Apr-2016 FILED: Appellant's Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant)
40. 18-May-2016 ORDERED: Appellant's Motion for Reconsideration (Appellant) = DENIED. Hon Andrew W Gould - Author
41. 3-Jun-2016 FILED: ASC Order filed 6/3/16 re: extending time to file Petition for Review to 6/17/16
42. 20-Jun-2016 FILED: Email Notice from ASC re: Petition for Review filed 6/17/16; request for partial record
43. 20-Jun-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
44. 15-Nov-2016 FILED: Letter from ASC, 11/15/2016, re: Petition for Review DENIED on 11/15/2016, Request for Attorneys' Fees GRANTED on 11/15/2016
45. 20-Dec-2016 ORDERED: awarding Appellee/Cross-Appellant attorneys' fees in the amount of \$23,160.00 and costs in the amount of \$2,058.20. Hon Andrew W Gould - Author
46. 23-Dec-2016 FILED: Mandate, Record returned to superior court.