

Court of Appeals, Division One
Civil Appeal

1 CA-CV 14-0737

STERN v. STERN et al.

Appellate Case Information Case Filed: 18-Nov-2014 Case Closed:	Dept/Composition Department E Hon. Diane M Johnsen Hon. Patricia A Orozco Hon. Kenton D Jones
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Side 1. BRAD D. STERN, a single individual, Plaintiff/Appellant-Cross Appellee
(Litigant Group) BRAD D STERN

- Brad D Stern
- Co-Counsel for: Plaintiff/Appellant-Cross Appellee**
 Scott E Boehm, Esq. (AZ Bar No. 6603)
 Robert A Royal, Esq. (AZ Bar No. 10434)
 Aaron T Lloyd, Esq. (AZ Bar No. 27987)

Side 2. STEVEN J. STERN and JAMIE R. STERN, husband and wife; SENIOR ADVISORY GROUP OF AMERICA, INC., an Arizona corporation, Defendant/Appellee-Cross Appellant
(Litigant Group) STEVEN J STERN et al.

- Steven J Stern
 - Jamie R Stern
 - Senior Advisory Group of America Inc
- Attorneys: Defendants/Appellees-Cross Appellants**
 Michael R Ross, Esq. (AZ Bar No. 16735)
 Cober Plucker, Esq. (AZ Bar No. 24758)

CASE STATUS

Sep 12, 2016....Pending in ASC

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2012-014573	Breach of Contract, Breach of Implied Covenant of Good Faith and Fair Dealing		John Christian Rea, Authoring Judge of Order		

DESCENDENT CASE (S)

ASC CV-16-0187-PR

CASE DECISION

12-Jul-2016 **MEMORANDUM DECISION**

Patricia Orozco.....Author
 Diane Johnsen.....Concur
 Kenton Jones.....Concur

Filed: **12-Jul-2016** Mandate:

Decision Disposition
Affirmed in Part as Corrected
Vacated in Part

62 PROCEEDING ENTRIES

1. 18-Nov-2014 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 10/06/14 (Plf); Notice of Amended Notice of Appeal filed 10/15/14 (Plf); Notice of Cross Appeal from Maricopa County Superior Court filed 10/24/14 (Defs) Bond filed in Superior Court: 10/30/14 (Defs) Docketing Statement filed in Superior Court: 10/20/14 (Plf); 11/7/14 (Defs)
2. 18-Nov-2014 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3. 4-Dec-2014 FILED: Notice to Counsel re: Appellant/Cross-Appellee's Fee/Brief Due
4. 15-Dec-2014 FILED: Appellant Brad D. Stern's Notice of Payment of Filing Fee; Certificate of Service for Appellant Brad D. Stern's Notice of Payment of Filing Fee (Appellant)
5. 18-Dec-2014 RECEIPT No.: 2014-01569 ; \$280.00, Authorization: #51020851040, Applied to: BRAD D STERN - Class A Filing Fee (\$280.00) Paid for: Law Office of Scott E Boehm PC - By Integrated Resource Systems IN

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6. 19-Dec-2014 FILED: Appellee's Notice re: Cross Appellant's Fee Due/Appellant's Brief Due
7. 7-Jan-2015 FILED: Notice of Paying Filing Fee; Certificate of Service (Appellee/Cross-Appellant)
8. 7-Jan-2015 FILED: Appellant Brad D. Stern's Notice of Filing and Service of Twelve Transcripts for Appeal; Certificate of Service for Appellant Brad D. Stern's Notice of Filing and Service of Twelve Transcripts for Appeal (Appellant)
9. 7-Jan-2015 FILED: Reporter's Transcript - 11/27/13 (Helen Franklin) (Appellant)
10. 7-Jan-2015 FILED: Reporter's Transcript - 3/07/14 (Laura Blair) (Appellant)
11. 7-Jan-2015 FILED: Reporter's Transcript - 3/20/14 (Peggy Edens) (Appellant)
12. 7-Jan-2015 FILED: Reporter's Transcript - 3/24/14 (Marmie Guimont) (Appellant)
13. 7-Jan-2015 FILED: Reporter's Transcript - 3/25/14 (Barbara Stockford) (Appellant)
14. 7-Jan-2015 FILED: Reporter's Transcript - 3/26/14 (Barbara Stockford) (Appellant)
15. 7-Jan-2015 FILED: Reporter's Transcript - 3/27/14 (Barbara Stockford) (Appellant)
16. 7-Jan-2015 FILED: Reporter's Transcript - 3/28/14 (Barbara Stockford) (Appellant)
17. 7-Jan-2015 FILED: Reporter's Transcript - 6/13/14 (Eileen Dhondt) (Appellant)
18. 7-Jan-2015 FILED: Reporter's Transcript - 5/1/13 (Eileen Dhondt) (Appellant)
19. 7-Jan-2015 FILED: Reporter's Transcript - 5/15/13 (Eileen Dhondt) (Appellant)
20. 7-Jan-2015 FILED: Reporter's Transcript - 11/13/13 (Donna Limerick) (Appellant)
21. 9-Jan-2015 RECEIPT No.: 2015-00031 ; \$280.00, Authorization: 08014406459, Applied to: STEVEN J STERN et al. - Class A Filing Fee (\$280.00) Paid for: Gallagher & Kennedy P A - By Integrated Resource Systems IN
22. 12-Jan-2015 FILED: Unopposed Motion for a Procedural Order Extending the Time to File the Opening Brief; Certificate of Service (Appellant)
23. 13-Jan-2015 ORDERED: Unopposed Motion for a Procedural Order Extending the Time to File the Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 01-13-2015 to Wednesday, 03-04-2015. Melina Brill ProTem Judge - Author
24. 15-Jan-2015 FILED: Motion to Correct and Supplement the Record on Appeal with Plaintiff's Verified Complaint; Certificate of Service; Attachment 1 (Appellant)
25. 16-Jan-2015 FILED: Motion to Dismiss Cross- Appeal for Lack of Jurisdiction; Certificate of Service for Motion to Dismiss Cross-Appeal for Lack of Jurisdiction (Appellant)
26. 30-Jan-2015 FILED: Reporter's Transcript of Proceedings 3/24/14 (Peggy M. Edens) (Appellant)
27. 30-Jan-2015 FILED: Appellant Brad D. Stern's Notice of Filing and Service of Additional Transcript for Appeal; Certificate of Service for Appellant Brad D. Stern's Notice of Filing and Service of Additional Transcript for Appeal
28. 9-Feb-2015 FILED: Response to Motion to Dismiss Cross-Appeal for Lack of Jurisdiction; Certificate of Service (Appellee)
29. 11-Feb-2015 ORDERED: Motion to Correct and Supplement the Record on Appeal with Plaintiff's Verified Complaint (Appellant) = GRANTED. Melina Brill ProTem Judge - Author
30. 17-Feb-2015 FILED: Reply in Support of Motion to Dismiss Cross-Appeal for Lack of Jurisdiction; Certificate of Service for Reply in Support of Motion to Dismiss Cross-Appeal for Lack of Jurisdiction (Appellant)
31. 17-Feb-2015 FILED: Reporter's Transcript of Proceedings 3/24/14 - Trial - Day 2 (Jennifer Pancratz) (Appellant)
32. 17-Feb-2015 FILED: Appellant Brad D. Stern's Notice of Filing and Service of the Final Transcript for Appeal; Certificate of Service for Appellant Brad D. Stern's Notice of Filing and Service of the Final Transcript for Appeal
33. 24-Feb-2015 FILED: Reporter's Transcript of Proceedings - 3/27/14 - Trial - Day 5 - (Debbie E Shea) (Appellant)
34. 24-Feb-2015 FILED: Appellant Brad D. Stern's Notice of Filing and Service of Additional Transcript for Appeal; Certificate of Service for Appellant Brad D. Stern's Notice of Filing and Service of Additional Transcript for Appeal
35. 2-Mar-2015 FILED: Reporter's Transcript of Proceedings 3/28/14 - Trial (Dianna Aldom) (Appellant)

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36. 2-Mar-2015 FILED: Appellant Brad D. Stern's Notice of Filing and Service of Delayed Transcript for Appeal; Certificate of Service for Appellant Brad D. Stern's Notice of Filing and Service of Delayed Transcript for Appeal
37. 2-Mar-2015 ORDERED: Motion to Dismiss Cross- Appeal for Lack of Jurisdiction (Appellant) = DENIED/without prejudice to reconsideration by panel that considers appeal on merits. Hon Patricia K Norris - Author
38. 4-Mar-2015 FILED: Opening Brief of Appellant Brad D. Stern; Certificate of Compliance for Opening Brief of Appellant Brad D. Stern; Certificate of Service for Opening Brief of Appellant Brad D. Stern
39. 9-Mar-2015 FILED: Appellant Brad D. Stern's Request for Oral Argument; Certificate of Service (Appellant)
40. 16-Apr-2015 FILED: Unopposed Motion for a Procedural Order Extending the Time for Appellees/Cross-Appellants to File their Answering Brief and their Cross-Appeal's Opening Brief; Certificate of Service (Appellee)
41. 20-Apr-2015 ORDERED: Unopposed Motion for a Procedural Order Extending the Time for Appellees/Cross-Appellants to File their Answering Brief and their Cross-Appeal's Opening Brief = GRANTED. Due date EXTENDED from Monday, 04-20-2015 to Monday, 05-04-2015. Melina Brill ProTem Judge - Author
42. 30-Apr-2015 FILED: Unopposed Motion for a Procedural Order Extending the Time for Appellees/Cross-Appellants to File Their Answering Brief and Their Cross-Appeal's Opening Brief (Second Request); Certificate of Service (Appellee/Cross-Appellant)
43. 4-May-2015 ORDERED: Unopposed Motion for a Procedural Order Extending the Time for Appellees/Cross-Appellants to File Their Answering Brief and Their Cross-Appeal's Opening Brief (Second Request) (Appellee/Cross-Appellant) = GRANTED. Due date EXTENDED from Monday, 05-04-2015 to Monday, 05-11-2015. Melina Brill ProTem Judge - Author
44. 11-May-2015 FILED: Appellees' Answering Brief and Cross-Appellants' Opening Brief; Certificate of Compliance; Affidavit of Service
45. 24-Jun-2015 FILED: Unopposed Motion for a Procedural Order Extending for Nine Days the Time to File Reply Brief and Answering Brief On Cross-Appeal; Certificate of Service (Appellant)
46. 8-Jul-2015 FILED: Appellant Brad D. Stern's Reply Brief and Answering Brief on Cross-Appeal; Certificate of Compliance for Appellant Brad D. Stern's Reply Brief and Answering Brief on Cross-Appeal; Certificate of Service for Appellant Brad D. Stern's Reply Brief and Answering Brief on Cross-Appeal
47. 31-Jul-2015 FILED: Unopposed Motion for Procedural Order Extending The Time for Appellees/Cross-Appellants to File Their Cross-Appeal's Reply Brief (First Request); Certificate of Service (Appellee)
48. 4-Aug-2015 ORDERED: Unopposed Motion for Procedural Order Extending The Time for Appellees/Cross-Appellants to File Their Cross-Appeal's Reply Brief (First Request) (Appellee) = GRANTED. Due date EXTENDED from Monday, 08-03-2015 to Wednesday, 08-12-2015. Barbara Vidal Vaught ProTem Judge - Author
49. 12-Aug-2015 FILED: Cross-Appellants' Reply Brief; Certificate of Compliance; Affidavit of Service
50. 1-Sep-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
51. 10-Sep-2015 FILED: Additional Record on Appeal
Exhibits:
Hearing Date: 03/20/2014 - LIST 3
1,5,10,21,25,30,32,36,38,39,42,46,47,51,52,56,58,60,63,77,79,80,81,87,93,99,100,106,125,152,154,155,157,165,173,181,182,22
In a Box
52. 14-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
53. 21-Sep-2015 ORDERED: Appellant Brad D. Stern's Request for Oral Argument(Appellant) = GRANTED. Hon Michael J Brown - Author
54. 29-Feb-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 4-27-16, 10:15 am, COURTROOM 1.
55. 9-Mar-2016 FILED: Return Receipt for Notice of Oral Argument signed by Scott E Boehm on 3/7/16 (Appellant/Cross-Appellee)
56. 25-Mar-2016 FILED: Return Receipt Re Oral Argument, signed by Michael R. Ross on 3/7/16; Certificate of Service (Appellee/Cross-Appellant)
57. 27-Apr-2016 FILED: Sign-in Sheet/Case is Under Advisement (Dept E)
58. 12-Jul-2016 MEMORANDUM DECISION (Affirmed in Part as Corrected, Vacated in Part) Hon Patricia A Orozco - Author; Hon Diane M Johnsen - Concur; Hon Kenton D Jones Judge - Concur

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- 59. 12-Jul-2016 FILED: Memorandum Decision Distribution List
- 60. 10-Aug-2016 FILED: ASC Order filed 08/10/2016 re: extending time for filing Petition for Review to 09/12/2016
- 61. 13-Sep-2016 FILED: Email Notice from ASC re: Petition for Review filed 9/12/16; request for partial record
- 62. 13-Sep-2016 FILED: Letter forwarding partial record to Arizona Supreme Court