

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0070

LONDON et al. v. KARATZ et al.

Appellate Case Information

Case Filed: **4-Feb-2015**
Case Closed:

Dept/Composition

Department A
Hon. Kenton D Jones
Hon. Randall M Howe
Hon. Donn Kessler

Side 1. COLLEEN LONDON and R. LAMAR WHITMER, Plaintiff/Appellant
(Litigant Group) COLLEEN LONDON/R LAMAR WHITMER

- Colleen London
- R Lamar Whitmer

Attorneys for: Plaintiff/Appellants
Robert S Porter, Esq. (AZ Bar No. 3838)

Side 2. ESTHER SUE KARATZ, solely in her capacity as President of the named Defendant Entity, and not personally; HILTON CASITAS HOMEOWNERS ASSOCIATION, a non-profit corporation, Defendant/Appellee
(Litigant Group) ESTHER SUE KARATZ et al.

- Esther Sue Karatz
- Hilton Casitas Council of Homeowners

Co-Counsel for: Defendant/Appellee
R Corey Hill, Esq. (AZ Bar No. 12188)
Ginette M Hill, Esq. (AZ Bar No. 18272)
Christopher Robbins, Esq. (AZ Bar No. 11064)

CASE STATUS

Nov 15, 2016....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2014-054346	Request for Receiver		John R Hannah, Authoring Judge of Order		

DESCENDENT CASE(S)
ASC CV-16-0271-PR

CASE DECISION

04-Oct-2016 MEMORANDUM DECISION

Randall Howe.....Author
Kenton Jones.....Concur
Donn Kessler.....Concur

Filed: **04-Oct-2016** Mandate:

Decision Disposition
Affirmed

65 PROCEEDING ENTRIES

- 4-Feb-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/06/15
- 4-Feb-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
- 13-Feb-2015 FILED: Notice to Parties re: Appellants' Fee/Case Management Statement/Brief Due
- 2-Mar-2015 RECEIPT No.: 2015-00255 ; \$280.00, Authorization: #9300926519, Applied to: COLLEEN LONDON/R LAMAR WHITMER - Class A Filing Fee (\$280.00) Paid for: - By COLLEEN LONDON/R LAMAR WHITMER
- 2-Mar-2015 FILED: Case Management Statement (Appellants Pro Per)
- 16-Mar-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
- 19-Mar-2015 FILED: Notice of Association of Counsel for Defendants-Appellees Karatz and Hilton Casitas; Certificate of Service of Notice of Association of Counsel for Defendants-Appellees Karatz and Hilton Casitas
- 24-Mar-2015 RECEIPT No.: 2015-00385 ; \$140.00, Authorization: #82015603634, Applied to: ESTHER SUE KARATZ et al. - Class B Filing Fee (\$140.00) Paid for: DeCiancio Robbins PLC - By Integrated Resource Systems

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9. 2-Apr-2015 FILED: Motion for Extension of Time to File (Opening) Brief (Appellant Pro Per)
10. 3-Apr-2015 ORDERED: Motion for Extension of Time to File (Opening) Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Tuesday, 04-14-2015 to Thursday, 05-14-2015. Melina Brill ProTem Judge - Author
11. 8-Apr-2015 FILED: Motion to Suspend Appeal and Revest Jurisdiction in the Trial Court (Appellants Pro Per)
12. 15-Apr-2015 FILED: Motion to Shorten Deadlines for Appellees' Response and Appellant's Reply (Request for Accelerated Consideration) (Appellants Pro Per)
13. 17-Apr-2015 ORDERED: Motion to Shorten Deadlines for Appellees' Response and Appellant's Reply (Request for Accelerated Consideration) (Appellants Pro Per) = DENIED. Deadline for appellees to respond to appellants' motion to suspend appeal/revest jurisdiction remains 4/27/15. Barbara Vidal Vaught ProTem Judge - Author
14. 27-Apr-2015 FILED: Appellee's Objection to Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Trial Court; Certificate of Service of Objection to Motion to Suspend Appeal and Revest Jurisdiction in the Trial Court; Certificate of Service of Objection to Motion to Suspend Appeal and Revest Jurisdiction in the Trial Court (Duplicate) (Appellee)
15. 29-Apr-2015 FILED: Reply in Support of Motion to Suspend Appeal and Revest Jurisdiction in the Trial Court; Exhibits 1-8 (Appellant)
16. 5-May-2015 ORDERED: Motion to Suspend Appeal and Revest Jurisdiction in the Trial Court (Appellants Pro Per) = GRANTED. FURTHER ORDERED: Staying appeal to/including 6/18/15, and revesting jurisdiction in Maricopa Superior Court re: Rule 60(c) motion to set aside or vacate judgment. FURTHER ORDERED: 6/19/15, appeal shall be automatically reinstated, unless before that date appellants file a motion to dismiss or continue stay of appeal. FURTHER ORDERED: W/in 10 days, appellants shall file a notice w/ ruling attached. If superior court grants motion, notice should indicate whether ruling affects judgment in subject of appeal. FURTHER ORDERED: If party wishes ruling on motion to be reviewed, a timely notice of appeal or amended notice of appeal must be filed. FURTHER ORDERED: Opening brief shall be due on 7/20/15. Melina Brill ProTem Judge - Author
17. 10-Jun-2015 FILED: Motion for Extension of Stay and Deadline to File Opening Brief (Appellant Pro Per)
18. 10-Jun-2015 FILED: Notice of Change of Address (Appellants Pro Per)
19. 11-Jun-2015 ORDERED: continuing stay of appeal to/including 7/20/15, for purposes set forth in court's 5/5/15 order. Appeal will be automatically reinstated on 7/21/15 unless appellants file a motion to dismiss or continue stay of appeal. FURTHER ORDERED: Opening brief shall be due on 8/20/15. Melina Brill ProTem Judge - Author
20. 18-Jun-2015 FILED: Notice of Trial Court Order Denying Plaintiffs' Rule 60 (c) Motion and Amended Notice of Appeal (Appellant Pro Per)
21. 18-Jun-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Minute Entry dated 6/10/15 filed 6/12/15 re: denying Plaintiff's motion to vacate or set aside judgment; final order ARCP 54(c))
22. 25-Jun-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Amended Notice of Appeal filed 6/18/15)
23. 27-Jul-2015 FILED: Motion for Reinstatement of Stay and Extension of Deadline to File Opening Brief (Appellant Pro Per)
24. 3-Aug-2015 FILED: Appellees' Objection to Appellants' Motion for Reinstatement of Stay and Extension of Deadline to File Opening Brief (Request for Sanction Included); Certificate of Service of Appellee's Objection to Appellants' Motion for Reinstatement; Appendix 1 to Objection to Motion for Reinstatement of Stay
25. 3-Aug-2015 ORDERED: Motion for Reinstatement of Stay (Appellant Pro Per) = DENIED. FURTHER ORDERED: extending time for filing opening brief to/including 9/21/15. Melina Brill ProTem Judge - Author
26. 11-Aug-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Amended Notice of Appeal dated/filed 8/3/15)
27. 2-Sep-2015 ORDERED: affirming this court's 8/3/15 order denying appellants' motion for reinstatement of stay. FURTHER ORDERED: Denying appellees' request for attorneys' fees in connection with motion. Melina Brill ProTem Judge - Author
28. 8-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
29. 21-Sep-2015 FILED: Notice of Appearance; Certificate of Service (Appellants)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 15-0070****LONDON et al. v. KARATZ et al.****65 PROCEEDING ENTRIES**

30. 21-Sep-2015 FILED: Appellants' Opening Brief; Appellants' Certificate of Compliance; Appellants' Certificate of Service
31. 21-Sep-2015 FILED: Appellants' Opening Brief Appendix (Amicus Curiae)
32. 26-Oct-2015 FILED: Appellees' Motion for Extension of Time to File Answering Brief; Certificate of Service for Appellees' Motion for Extension of Time to File Answering Brief (Appellee)
33. 26-Oct-2015 FILED: Appellees' Notice of Change of Firm and Address; Certificate of Service for Appellees' Notice of Change of Firm and Address
34. 28-Oct-2015 ORDERED: Appellees' Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 11-09-2015 to Friday, 12-04-2015. Melina Brill ProTem Judge - Author
35. 3-Dec-2015 FILED: Appellees' Answering Brief; Certificate of Compliance for Appellees' Answering Brief; Certificate of Service for Appellees' Answering Brief
36. 28-Dec-2015 FILED: Appellants' Reply Brief; Appellant's Certificate of Compliance; Appellant's Certificate of Service (Appellant)
37. 28-Dec-2015 FILED: Appellant's Reply Brief Appendix (Appellant)
38. 31-Dec-2015 FILED: Request for Oral Argument; Certificate of Service (Appellant)
39. 31-Dec-2015 FILED: Appellants' Motion for Procedural Order; Appellants' Reply Brief Amended Appendix; Certificate of Service (Appellant)
40. 5-Jan-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
41. 11-Jan-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
42. 12-Jan-2016 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
43. 25-Jan-2016 ORDERED: Appellants' Motion for Procedural Order (Appellant) = GRANTED and accepting amended appendix attached to motion. Barbara Vidal Vaught ProTem Judge - Author
44. 7-Jul-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 9-27-16, 10:00 am, COURTROOM 2.
45. 11-Aug-2016 FILED: Notice of Oral Argument
46. 16-Aug-2016 FILED: Receipt for Notice of Oral Argument, signed by Bob Porter on 08/11/2016 (Appellants)
47. 18-Aug-2016 FILED: Receipt for Notice of Oral Argument, signed by R Corey Hill on 08/11/2016 (Appellees)
48. 18-Aug-2016 FILED: Courtesy Copy - Notice of Related Judgments in other Pending Superior Court Actions; Certificate of Service (Appellees)
49. 6-Sep-2016 FILED: Objection of Plaintiffs-Appellants to Notice of Related Judgments in Other Pending Superior Court Actions; Certificate of Service; Exhibits (Appellant)
50. 7-Sep-2016 ORDERED: vacating oral argument in this matter currently set for 09/27/2016 at 10:00 a.m. and resetting oral argument for 09/27/2016 at 10:15 a.m. Hon Kenton D Jones Judge - Author
51. 20-Sep-2016 ORDERED: vacating oral argument previously set for 09/27/2016 at 10:15 a.m. The Court will consider the appeal at conference that day without oral argument. Hon Kenton D Jones Judge - Author
52. 4-Oct-2016 MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Kenton D Jones Judge - Concur; Hon Donn Kessler - Concur
53. 4-Oct-2016 FILED: Memorandum Decision Distribution List
54. 12-Oct-2016 FILED: Application for Attorneys' Fees; Certificate of Service for Application for Attorneys' Fees (Appellee)
55. 19-Oct-2016 FILED: Plaintiffs' Motion for Reconsideration; Certificate of Compliance; Certificate of Service; Exhibit 1 (Appellant)
56. 27-Oct-2016 ORDERED: Plaintiffs' Motion for Reconsideration (Appellant) = DENIED. Hon Randall M Howe - Author
57. 31-Oct-2016 FILED: Plaintiffs' Response to Defendants' Application for Attorneys' Fees; Certificate of Service; Declaration of Robert S. Porter; Exhibits A-G (Appellant)

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58. 8-Nov-2016 FILED: Reply to Plaintiffs' Response to Defendants' Application for Attorneys' Fees; Certificate of Service for Appellees' Reply to Plaintiffs' Response to Defendants' Application for Attorneys' Fees (Appellee)
59. 15-Nov-2016 FILED: Email Notice from ASC re: Petition for Review filed 11/14/16; request for partial record
60. 15-Nov-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
61. 21-Nov-2016 ORDERED: granting attorneys' fees in the amount of \$16,000. Hon Randall M Howe - Author
62. 3-Jan-2017 FILED: Motion to Consolidate Appeals 1 CA-CV 15-0070, 16-0629 and 16-0654; Certificate of Service (Appellant)
63. 10-Jan-2017 FILED: Objection to Plaintiffs' Motion to Consolidate Appeals; Certificate of Service for Objection to Plaintiffs' Motion to Consolidate Appeals (Appellee)
64. 10-Jan-2017 ORDERED: Motion to Consolidate Appeals 1 CA-CV 15-0070, 16-0629 and 16-0654 (Appellant) = DENIED. A motion to consolidate 1 CA-CV 16-0629 and 1 CA-CV 16-0654 may be filed in those matters for review by this court if Plaintiffs/Appellants so choose. Hon Randall M Howe - Author
65. 11-Jan-2017 FILED: ASC Order filed 01/11/2017 re: motion to transfer this matter to the court of appeals