

Court of Appeals, Division One
Civil Appeal

1 CA-CV 15-0186

NORTON et al. v. PHONEJOCKEY et al.

Appellate Case Information

Case Filed: 25-Mar-2015
Case Closed:

Dept/Composition

Department A
Hon. Peter B Swann
Hon. Lawrence F Winthrop
Hon. Donn Kessler

Side 1. JOHN R. NORTON, in his capacity as Trustee of the NORTON FAMILY LIVING TRUST DATED 2/15/96, Individually and on behalf of the PHONEJOCKEY INVESTORS NO. 2, LLC, a Wyoming limited liability company, Plaintiff/Appellant-Cross Appellee

(Litigant Group) JOHN R NORTON et al.

- John R Norton
- Norton Family Living Trust Dated 2/15/96
- Phonejockey Investors No. 2 LLC

Attorneys: Plaintiffs/Appellants/Cross-Appellees

John P Flynn, Esq. (AZ Bar No. 15065)
Peter J Moolenaar, Esq. (AZ Bar No. 24487)

Side 2. PHONEJOCKEY LLC, a Wyoming limited liability company; JUDSON C. BALL and NANCY SUE BALL, husband and wife, Defendant/Appellee-Cross Appellant

(Litigant Group) PHONEJOCKEY LLC et al.

- Phonejockey LLC
- Judson C Ball
- Nancy Sue Ball

Attorneys: Defendants/Appellees/Cross-Appellants

F Thomas Hovore, Esq. (AZ Bar No. 21518)

CASE STATUS

Nov 15, 2016....Pending in ASC

PREDECESSOR CASE(S) +	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2011-014515			Patricia A Starr, Authoring Judge of Order		
MAR CV2012-053571					
MAR CV2012-053572					
MAR CV2013-012882					

DESCENDENT CASE(S)

ASC CV-16-0268-PR

CASE DECISION

13-Oct-2016 MEMORANDUM DECISION

Amended Per Order filed 11-17-16

Filed: 13-Oct-2016

Mandate:

Peter Swann.....Author
Lawrence Winthrop.....Concur
Donn Kessler.....Concur

Decision Disposition
Affirmed in Part Vacated in Part

47 PROCEEDING ENTRIES

1. 25-Mar-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/23/15 (Plf); Notice of Cross Appeal from Maricopa County Court filed 2/28/15 (Defs)
Docketing Statement filed in Superior Court: 3/10/15 (from Cross-Appellant)
2. 25-Mar-2015 FILED: e-Record on Appeal (CV2011-014515):
Instruments/Minute Entries
Exhibits - not sent at this time
3. 25-Mar-2015 FILED: e-Record on Appeal (CV2012-053571):
Instruments/Minute Entries

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4. 25-Mar-2015 FILED: e-Record on Appeal (CV2012-053572):
Instruments/Minute Entries
5. 25-Mar-2015 FILED: e-Record on Appeal (CV2013-012882):
Instruments/Minute Entries
6. 6-Apr-2015 FILED: Notice to Parties re: Appellants/Cross-Appellees' Fee/Case Management Statement/Brief Due
7. 7-Apr-2015 FILED: Notice of Paying Filing Fee; Certificate of Service (Appellant)
8. 7-Apr-2015 FILED: Notice of Filing Transcripts and Notice of Service of Transcripts; Certificate of Service; Exhibit A - Reporter's Transcript of Proceedings 10/14/13 (Barbara H Stockford); Exhibit B - Reporter's Transcript of Proceedings 10/27/14 (Luz Franco); Exhibit C - Reporter's Transcript of Proceedings 10/27/14 (Christine M Coaly) (Appellant)
9. 10-Apr-2015 RECEIPT No.: 2015-00463 ; \$280.00, Authorization: #99012819838, Applied to: JOHN R NORTON et al. - Class A Filing Fee (\$280.00) Paid for: Morrill & Aronson PLC - By Integrated Resource Systems IN
10. 13-Apr-2015 FILED: Case Management Statement; Certificate of Service (Appellant)
11. 17-Apr-2015 FILED: Appellee/Cross Appellant's Notice Re: Cross Appellant's Fee/Appellant's Brief Due
12. 23-Apr-2015 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service
13. 23-Apr-2015 FILED: Appellant's Appendix; Certificate of Service
14. 26-Apr-2015 FILED: Notice of Payment of Filing Fee; Certificate of Service (Cross-Appellant)
15. 29-Apr-2015 RECEIPT No.: 2015-00566 ; \$280.00, Authorization: #18014100987, Applied to: PHONEJOCKEY LLC et al. - Class A Filing Fee (\$280.00) Paid for: Hovore Law PLLC - By Integrated Resource Systems
16. 7-Jun-2015 FILED: Appellees/Cross-Appellants' Combined Answering Brief on Appeal and Opening Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service
17. 20-Jul-2015 FILED: Appellants' Combined Reply Brief on Appeal and Answering Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service
18. 20-Jul-2015 FILED: Request for Oral Argument; Certificate of Service (Appellant)
19. 12-Aug-2015 FILED: Appellees/Cross-Appellants' Reply Brief for Cross-Appeal; Certificate of Compliance with Certificate of Mailing and Service; Certificate of Compliance with Certificate of Mailing and Service (duplicate) (Cross-Appellant)
20. 27-Aug-2015 FILED: Notice of Partial Assignment of Judgment by Phonejockey Investors No. 2, LLC and Motion for Partial Substitution of Party Pursuant to Ariz.R.App.P. 27(b); Certificate of Service; Exhibit A - Certificate of Sale of Personal Property on Execution (Appellant)
21. 31-Aug-2015 FILED: Objection to Notice of Parital Assignment of Judgment and Motion for Partial Substitution; Cert of Service (Appellee)
22. 1-Sep-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
23. 8-Sep-2015 FILED: Appellants' Reply to Appellees' Objection to Appellants' Motion for Partial Substitution; and Appellants' Request to Stay Proceedings on Motion for Partial Substitution; Certificate of Service; Exhibits A-J (Appellant)
24. 10-Sep-2015 FILED: Reply in Support of Objection to Notice of Parital Assignment of Judgment and Motion for Partial Substitution; Cert of Service (Appellee)
25. 11-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
26. 15-Sep-2015 FILED: Additional Record on Appeal
Exhibits:
Hearing Date: 10/20/2014 - LIST #
1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,28,29,32,34,37,38,39,40,41,42,43,44,45,46,47,48,49,52,55,
In Box

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27. 18-Sep-2015 ORDERED: (Court has considered appellants/cross-appellees notice of Partial Assignment of Judgment by Phonejockey Investors No. 2 and Motion for Partial Substitution of Party) staying appeal to/including 11/16/15. FURTHER ORDERED: On 11/17/15, appeal shall be automatically reinstated, unless before that date appellants/cross-appellees file a motion to dismiss appeal or motion to continue stay. FURTHER ORDERED: W/in 10 days after superior court rules on pending motions (a Renewed motion for Expungement and Motion for Reconsideration of Order Granting Plaintiff's Proposed Charging Order), appellants/cross-appellees shall file a notice with this court w/ ruling. FURTHER ORDERED: Court will consider notice of partial assignment and motion for partial substitution, after appeal is reinstated. Melina Brill ProTem Judge - Author
28. 21-Sep-2015 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
29. 9-Nov-2015 FILED: Notice of Change of Address; Certificate of Service (Appellant)
30. 20-Nov-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Minute Entry filed 11/16/15 re: approving/settling formal written order signed by Court on 11/16/15)
31. 23-Nov-2015 FILED: Joint Report Concerning Order Staying Appeal Filed 9/18/15; Certificate of Service; Exhibits A-B (Appellant)
32. 3-Dec-2015 ORDERED: Notice of Partial Assignment of Judgment by Phonejockey Investors No. 2, LLC and Motion for Partial Substitution of Party Pursuant to Ariz.R.App.P. 27(b) = GRANTED for partial substitution and amending caption in this appeal by substituting PJI-2 Collection, LLC, as cross-appellee in place of Phonejockey Investors No. 2, LLC. Melina Brill ProTem Judge - Author
33. 29-Feb-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 4-12-16, 10:15 am, COURTROOM 1.
34. 3-Mar-2016 FILED: Notice of Oral Argument
35. 10-Mar-2016 FILED: Notice of Withdrawal and Substitution of Counsel Within the Firm; Certificate of Service (Appellants/Cross-Appellees)
36. 10-Mar-2016 FILED: Return Receipt for Notice of Oral Argument sigend by Martin Aronson on 3/3/16; Certificate of Service (Appellants/Cross-Appellees)
37. 5-Apr-2016 FILED: Motion for Substitution of Counsel; Certificate of Service (Appellant)
38. 6-Apr-2016 FILED: Return Receipt for Oral Argument signed by F. Thomas Hovore on 3/3/16; Certificate of Service (Appellees/Cross-Appellants)
39. 12-Apr-2016 FILED: Sign-in Sheet/Case is Under Advisement (Dept A)
40. 13-Jul-2016 FILED: Notice of Change of Firm Affiliation and Address; Certificate of Service (Appellants/Cross-Appellees)
41. 11-Oct-2016 ORDERED: clerk of this court is directed to amend the caption in this matter as shown above. FURTHER ORDERED: the above caption shall be used on all future documents filed in this matter. Hon Peter B Swann - Author
42. 13-Oct-2016 MEMORANDUM DECISION (Affirmed in Part, Vacated in Part) Hon Peter B Swann - Author; Hon Lawrence F Winthrop - Concur; Hon Donn Kessler - Concur
43. 13-Oct-2016 FILED: Memorandum Decision Distribution List
44. 18-Oct-2016 ORDERED: Motion for Substitution of Counsel; Motion for Substitution of Counsel (Appellant) = GRANTED. Hon Peter B Swann - Author
45. 15-Nov-2016 FILED: Email Notice from ASC re: Petition for Review filed 11/14/16; request for partial record
46. 15-Nov-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
47. 17-Nov-2016 ORDERED: Clerk of this Court is directed to amend the Decision by interlineation as follows (See Order). Hon Peter B Swann - Author