

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0315

PARTNERS v. ALVAREZ

Appellate Case Information

Case Filed: 15-May-2015
Case Closed:

Dept/Composition
Department C

Hon. Diane M Johnsen
Hon. Samuel A Thumma
Hon. Jon W Thompson

Side 1. PARTNERS FOR PAYMENT RELIEF DE II, LLC, Plaintiff/Appellee
(Litigant Group) PARTNERS FOR PAYMENT RELIEF DE II LLC

- Partners for Payment Relief DE II LLC

Attorneys for: Plaintiff/Appellee

Michelle R Ghidotti Gonsalves, Esq. (AZ Bar No. 27180)

Side 2. SALVADOR I. ALVAREZ, Defendant/Appellant
(Litigant Group) SALVADOR I ALVAREZ

- Salvador I Alvarez

Attorneys for: Defendant/Appellant

Daniel J McCauley, III, Esq. (AZ Bar No. 15183)

CASE STATUS

Dec 30, 2016....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2015-002296, Forcible Detainer, Michael L Barth, Authoring Judge of Order.

Table with 2 columns: DESCENDENT CASE(S), Cause/Charge/Class. Row 1: ASC, CV-16-0321-PR.

CASE DECISION

04-Oct-2016 MEMORANDUM DECISION

Diane Johnsen.....Author
Jon Thompson.....Concur
Samuel Thumma.....Concur

Filed: 04-Oct-2016 Mandate:

Decision Disposition

Affirmed

30 PROCEEDING ENTRIES

- 1. 15-May-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/17/15
2. 15-May-2015 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3. 26-May-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4. 5-Jun-2015 RECEIPT No.: 2015-00772 ; \$280.00 Applied to: SALVADOR I ALVAREZ - Class A Filing Fee (\$280.00) Paid for: McCauley Law Offices PC - By Salvador I. Alvarez
5. 12-Jun-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
6. 16-Jun-2015 FILED: Case Management Statement (Appellant)
7. 26-Jun-2015 FILED: Letter, 6/26/15, to Court from Appellee's Counsel re: submission of filing fee
8. 1-Jul-2015 RECEIPT No.: 2015-00902 ; \$140.00, Authorization: 81017014443, Applied to: PARTNERS FOR PAYMENT RELIEF DE II LLC - Class B Filing Fee (\$140.00) Paid for: Law Offices of Michelle Ghidotti - By Integrated Resource Systems IN
9. 27-Jul-2015 FILED: Opening Brief; Certificate of Compliance; Certificate of Service; Appendix to Appellant's Opening Brief (Appellant)
10. 25-Sep-2015 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service
11. 7-Oct-2015 FILED: Motion to Strike Appellee's Answering Brief; Certificate of Service; Exhibit A (Appellant)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 15-0315****PARTNERS v. ALVAREZ****30 PROCEEDING ENTRIES**

12. 7-Oct-2015 FILED: Motion for Extension to File Reply Brief; Certificate of Service (Appellant)
13. 8-Oct-2015 ORDERED: Motion for Extension to File Reply Brief (Appellant) = GRANTED and vacating 10/20/15 due date for reply brief. Order ruling on pending motion to strike will set a due date for filing reply brief, if motion to strike is denied. Melina Brill ProTem Judge - Author
14. 27-Oct-2015 FILED: Memorandum of Points and Authorities in Opposition to Appellant's Motion to Strike Appellee's Answering Brief; Certificate of Service; Affidavit of Christopher L. Bauer, Esq. in Opposition to Appellant's Motion to Strike Appellee's Answering Brief; Affidavit of Michelle R. Ghidotti, Esq. in Opposition to Appellant's Motion to Strike Appellee's Answering Brief (Appellee)
15. 9-Nov-2015 FILED: Reply to Motion to Strike Answering Brief; Certificate of Service; Exhibit A; Exhibit A (2) (Appellant)
16. 19-Nov-2015 ORDERED: Motion to Strike Appellee's Answering Brief; Exhibit A (Appellant) = DENIED. FURTHER ORDERED: Denying appellant's request for attorneys' fees in connection w/ motion. FURTHER ORDERED: Directing appellee to file an amended appendix to answering brief on/before 1/15/16 that complies w/ ARCAP 13.1 and its entirety. FURTHER ORDERED: Staying this appeal to/including 1/4/16, and vesting jurisdiction in Maricopa Superior Court to consider application by appellant for a signed judgment w/ certification of finality pursuant to Rule 54(c) and for a signed order denying motion for new trial. FURTHER ORDERED: If superior court grants application, appellant shall file a copy of signed judgment and order w/in 10 days after entry. Appeal will be reinstated. FURTHER ORDERED: If appeal has not been reinstated, appellant shall file a request to continue stay of appeal or appeal will be dismissed. FURTHER ORDERED: If signed judgment/order have been filed, reply brief shall be due 1/29/16.
17. 23-Dec-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Order Denying Motion for New Trial and Final Judgment for Plaintiff signed 12/10/15, filed 12/11/15)
18. 28-Dec-2015 FILED: Notice of Lodging Superior Court's Final Order; Certificate of Service; Exhibit A (Appellant)
19. 15-Jan-2016 FILED: Amended Appendix to Appellee's Answering Brief
20. 29-Jan-2016 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
21. 29-Feb-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
22. 10-Mar-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
23. 10-Mar-2016 FILED: Additional Record on Appeal:
Exhibits: HD 2/20/15 - List and # 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 in manila envelope
24. 7-Jul-2016 CLNDR: CONFERENCE, Department C, 9-28-16, COURTROOM 1.
25. 4-Oct-2016 MEMORANDUM DECISION (Affirmed) Hon Diane M Johnsen - Author; Hon Jon W Thompson - Concur; Hon Samuel A Thumma - Concur
26. 4-Oct-2016 FILED: Memorandum Decision Distribution List
27. 18-Oct-2016 FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service; Exhibit A (Appellant)
28. 15-Dec-2016 ORDERED: Motion for Reconsideration (Appellant) = DENIED. Hon Diane M Johnsen - Author
29. 30-Dec-2016 FILED: Email Notice from ASC re: Petition for Review filed 12/30/16; request for partial record
30. 3-Jan-2017 FILED: Letter forwarding partial record to Arizona Supreme Court