

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0372

PARKS v. ABS

Appellate Case Information

Case Filed: 8-Jun-2015
Case Closed:

Dept/Composition

Department C
Hon. Diane M Johnsen
Hon. Jon W Thompson
Hon. Maurice Portley

Side 1. FRANK A. PARKS and SUE E. PARKS, husband and wife, Plaintiff/Appellant

(Litigant Group) FRANK/SUE PARKS

- Frank A Parks
AZ Bar No. 1733
[Current Member]
Admitted 3/13/65

Attorneys for: Plaintiffs/Appellants

Frank A Parks, Esq. (AZ Bar No. 1733)

- Sue E Parks

Side 2. LEE AND MARLINDA THOMPSON, LLC dba ABS PAINTING & DECORATING, Defendant/Appellee

(Litigant Group) LEE AND MARLINDA THOMPSON LLC

- Lee and Marlinda Thompson LLC
ABS Painting & Decorating

Attorneys for: Defendant/Appellee

Jason J Bliss, Esq. (AZ Bar No. 18246)

CASE STATUS

Jan 5, 2017.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: CON, S0300CV201100911, Breach of Warranty; Strict Liability; Negligence, Mark R Moran, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-16-0291-PR

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Friday, January 6, 2017

[1 extension]

Re: ORDERED: Motion for Reconsideration (Appellant) = DENIED. FURTHER ORDERED: granting appellee's request for attorney's fees and costs in part, awarding appellee \$25,000 in attorney's fees and \$1,487 in costs. Hon Diane M Johnsen - Author

CASE DECISION

18-Oct-2016 MEMORANDUM DECISION

Diane Johnsen.....Author
Jon Thompson.....Concur
Maurice Portley.....Concur

Filed: 18-Oct-2016

Mandate:

Decision Disposition

Affirmed

54 PROCEEDING ENTRIES

- 1. 8-Jun-2015 FILED: Index of Record, Notice of Appeal from Coconino County Superior Court filed 05/14/15 Docketing Statement filed in Superior Court: 5/29/15
2. 8-Jun-2015 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3. 10-Jun-2015 FILED: Notice to Parties re: Appellants' Fee/Brief Due
4. 19-Jun-2015 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellants)
5. 24-Jun-2015 RECEIPT No.: 2015-00873 ; \$280.00, Authorization: #74015248235, Applied to: FRANK/SUE PARKS - Class A Filing Fee (\$280.00) Paid for: Sanders & Parks PC - By Integrated Resource Systems IN

Court of Appeals, Division One**Civil Appeal****1 CA-CV 15-0372****PARKS v. ABS****54 PROCEEDING ENTRIES**

6. 29-Jun-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
7. 29-Jun-2015 FILED: Defendant/Appellee's Notice of Payment of Appellee's Filing Fee; Certificate of Service of Defendant/Appellee's Notice of Payment of Appellee's Filing Fee
8. 1-Jul-2015 FILED: Reporters Transcript of Proceedings 1/29/15 (Annette Satterlee)
9. 2-Jul-2015 RECEIPT No.: 2015-00908 ; \$140.00, Authorization: 82022120167, Applied to: LEE AND MARLINDA THOMPSON LLC - Class B Filing Fee (\$140.00) Paid for: Cavanagh Law Firm - By Integrated Resource Systems IN
10. 21-Jul-2015 FILED: Reporter's Transcript of Proceedings - 1/15/15 (Rossana K Baker)
11. 29-Jul-2015 FILED: Reporter's Transcript of Proceedings - 1/27/15 - Jury Trial Day 1 (Jonna E Baker) (unsigned)
12. 29-Jul-2015 FILED: Reporter's Transcript of Proceedings - 1/28/15 - Jury Trial Day 2 (Jonna E Baker) (unsigned)
13. 29-Jul-2015 FILED: Reporter's Transcript of Proceedings - 1/30/15 - Jury Trial Day 4 (Jonna E Baker) (unsigned)
14. 29-Jul-2015 FILED: Reporter's Transcript of Proceedings - 2/4/15 - Jury Trial Day 5 (Jonna E Baker) (unsigned)
15. 29-Jul-2015 FILED: Reporter's Transcript of Proceedings - 2/5/15 - Jury Trial Day 6 (Jonna E Baker) (unsigned)
16. 29-Jul-2015 FILED: Reporter's Transcript of Proceedings - 2/6/15 - Jury Trial Day 7 (Jonna E Baker) (unsigned)
17. 29-Jul-2015 FILED: Reporter's Transcript of Proceedings - 3/5/13 - Status Conference (Jonna E Baker) (unsigned)
18. 29-Jul-2015 FILED: Reporter's Transcript of Proceedings - 7/8/14 - Status Conference (Jonna E Baker) (unsigned)
19. 29-Jul-2015 FILED: Reporter's Transcript of Proceedings - 8/1/12 - Oral Argument (Jonna E Baker) (unsigned)
20. 29-Jul-2015 FILED: Reporter's Transcript of Proceedings - 11/6/12 - Status Conference (Jonna E Baker) (unsigned)
21. 30-Jul-2015 FILED: Stipulation for Extension of Time to File Opening Brief; Certificate of Service of Stipulation for Extension of Time to File Opening Brief; Proposed Order (Appellant)
22. 30-Jul-2015 ORDERED: Stipulation for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-10-2015 to Wednesday, 09-09-2015. Melina Brill ProTem Judge - Author
23. 7-Aug-2015 FILED: Reporters Transcript (01/29/15 [Annette Satterlee])
24. 12-Aug-2015 FILED: Reporter's Transcript of Proceedings 1/29/15 - Jury Trial - Day 3 (Annette Satterlee) (Appellee)
25. 12-Aug-2015 FILED: Defendant / Appellee's Notice of Filing and Serving January 29, 2015 (Jury Trial - Day 3) Transcript; Certificate of Service of Defendant / Appellee's Notice of Filing and Serving January 29, 2015 (Jury Trial - Day 3) Transcript
26. 24-Aug-2015 FILED: Reporter's Transcripts of Proceedings 8/28/14 - Oral Argument (Jonna E Baker) (Appellee)
27. 24-Aug-2015 FILED: Reporter's Transcripts of Proceedings 2/5/15 - Jury Trial (Jonna E Baker) (Appellee)
28. 25-Aug-2015 FILED: Defendant/Appellee's Notice of Filing and Serving: (1) February 5, 2015 (Jury Trial - Day 6) Transcript, and (2) August 28, 2014 Oral Argument Transcript; Certificate of Service of Defendant/Appellee's Notice of Filing and Serving: (1) February 5, 2015 (Jury Trial - Day 6) Transcript, and (2) August 28, 2014 Oral Argument Transcript
29. 9-Sep-2015 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Filing
30. 16-Oct-2015 FILED: Defendant/Appellee's Motion for Extension of Time to File Answering Brief (1st Request) (Motion for Procedural Order); Certificate of Service of Defendant/Appellee's Motion for Extension of Time to File Answering Brief (1st Request) (Appellee)
31. 19-Oct-2015 ORDERED: Defendant/Appellee's Motion for Extension of Time to File Answering Brief (1st Request) (Appellee) = GRANTED. Due date EXTENDED from Monday, 10-26-2015 to Wednesday, 11-25-2015. Melina Brill ProTem Judge - Author
32. 24-Nov-2015 FILED: Defendant/Appellee's Answering Brief; Certificate of Compliance for Defendant/Appellee's Answering Brief; Certificate of Service of Defendant/Appellee's Answering Brief and Certificate of Compliance
33. 21-Dec-2015 FILED: Reply Brief of Plaintiffs/Appellants Frank A. Park and Sue E. Parks; Certificate of Compliance; Certificate of Filing (Appellants)

Court of Appeals, Division One

Civil Appeal

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54 PROCEEDING ENTRIES

34. 29-Dec-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
35. 30-Dec-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
36. 31-Dec-2015 FILED: Request for Oral Argument; Certificate of Service (Appellant)
37. 5-Jan-2016 FILED: Defendant/Appellee's Request for Oral Argument; Certificate of Service of Defendant/Appellee's Request for Oral Argument (Appellee)
38. 12-Jan-2016 ORDERED: Request for Oral Argument (Appellant) and Defendant/Appellee's Request for Oral Argument (Appellee) = GRANTED. Hon Michael J Brown - Author
39. 7-Mar-2016 FILED: Additional Record on Appeal:
HD 1/28/15 - List and # 11 19 31 32 33 34 44 45 46 47 48 49A 49B 54 56 63 68 92A 92B; HD 1/29/15 - List and # 93 94 95 96 97;
HD 1/30/15 - List and # 2 4 89 98; HD 2/4/15 - List and # 3 6 7 100 101 102; HD 2/5/15 - List and # 5A 104; HD 2/6/15 - List and #
9 13 22 64 65 67 87 108 109 in small white box
40. 29-Aug-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 10-5-16, 11:00 am, COURTROOM 1.
41. 2-Sep-2016 FILED: Defendant/Appellee's Notice of Withdrawal of Counsel; Certificate of Service of Defendant/Appellee's Notice of Withdrawal of Counsel (Appellee)
42. 6-Sep-2016 FILED: Notice of Oral Argument
43. 8-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by Jason J Bliss on 09/06/2016
44. 26-Sep-2016 FILED: Supplemental Citation of Legal Authority; Certificate of Service of Appellants' Rule 17 Supplemental Citations (Appellants)
45. 30-Sep-2016 FILED: Motion for Reconsideration; Certificate of Service; Exhibit A - Declaration of Frank A. Parks (Appellant)
46. 30-Sep-2016 ORDERED: vacating the oral argument set for 10/05/2016 at 11:00 a.m. The court will consider this case on that date at conference without oral argument. Hon Diane M Johnsen - Author
47. 3-Oct-2016 ORDERED: Motion for Reconsideration; Certificate of Service; Exhibit A - Declaration of Frank A. Parks (Appellant) = DENIED. Hon Diane M Johnsen - Author
48. 18-Oct-2016 MEMORANDUM DECISION (Affirmed) Hon Diane M Johnsen - Author; Hon Jon W Thompson - Concur; Hon Maurice Portley - Concur
49. 18-Oct-2016 FILED: Memorandum Decision Distribution List
50. 1-Nov-2016 FILED: Defendant/Appellee's Application for Award of Attorneys' Fees and Costs on Appeal; Certificate of Service of Defendant/Appellee's Application for Award of Attorneys' Fees and Costs on Appeal; Exhibit 1; Exhibit A (Appellee)
51. 2-Nov-2016 FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant)
52. 22-Nov-2016 ORDERED: Motion for Reconsideration (Appellant) = DENIED. FURTHER ORDERED: granting appellee's request for attorney's fees and costs in part, awarding appellee \$25,000 in attorney's fees and \$1,487 in costs. Hon Diane M Johnsen - Author
53. 29-Nov-2016 FILED: ASC Order filed 11/29/2016 re: extending time for filing Petition for Review to 01/06/2017
54. 5-Jan-2017 FILED: Email Notice from ASC re: Petition for Review filed 1/5/17; request for partial record