Court of Appeals, Division One

Civil Appeal

1 CA-CV 16-0060 JORDAN v. HUBBARD et al.

Appellate Case Information

Case Filed: 4-Feb-2016

Case Closed:

Dept/Composition

Consolidated with: 1 CA-CV 16-0474

Side 1. MARLA C. JORDAN, as Personal Representative of the Estate of Barbara Mary Middleton, Deceased,

Petitioner/, Plaintiff/Appellee

(Litigant Group) MARLA C JORDAN

- **Marla C Jordan**

Attorneys for: Petitioner/Plaintiff/Appellee

Dan A Wilson, Esq. (AZ Bar No. 10745)

Michael R Murphy, Esq. (AZ Bar No. 3201)

Side 2. JAMES L. HUBBARD, individually and as Trustee/Successor Trustee of the Roddick Family Trust - with Respect to the Separate Property of N. Grace Roddick,

Respondent/, Defendant/Appellant

(Litigant Group) JAMES L HUBBARD

- **James L Hubbard**

Attorneys for: Respondent/Def/Appellant

Bradley D Weech, Esq. (AZ Bar No. 11135)

Marshall R Hunt, Esq. (AZ Bar No. 31060)

Side 3. RICHARD E. DURFEE, JR., as Trust Protector of the Roddick Family Trust - with Respect to the Separate Property of N. Grace Roddick,

Proposed, Intervenor/Appellant

(Litigant Group) RICHARD E. DURFEE, JR. (REINSTATED PER ORDER FILED 3/21/16)

- **Mr Richard E Durfee, Jr**
  AZ Bar No. 12695
  [Current Member]
  Admitted 10/21/89

Attorneys for: Intervenor/Appellant

Scott F Gibson, Esq. (AZ Bar No. 10884)

CASE STATUS

Oct 11, 2016.....At Issue

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV	P1300CV20090915	General Allegations & Declaratory Judgment; Breach of Trust/Breach of Fiduciary Duty		Patricia A Trebesch, Authoring Judge of Order		

54 PROCEEDING ENTRIES

1.	4-Feb-2016	FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 01/08/16 (James Hubbard); Notice of Appeal from Yavapai County Superior Court filed 1/15/16 (Richard Durfee)
2.	4-Feb-2016	FILED: e-Record on Appeal: Instruments/Minute Entries
3.	5-Feb-2016	FILED: Notice to Parties re: Appellant Hubbard's and Appellant Durfee's Fees/Case Management Statements/Briefs Due
4.	8-Feb-2016	FILED: Reporter's Transcript – 08/26/2015 - Oral Argument (Court Reporter Mina G Hunt) (Copy) (Appellant Hubbard)
5.	11-Feb-2016	RECEIPT No.: 2016-00194 ; $280.00, Authorization: #41014816974, Applied to: JAMES L HUBBARD - Class A Filing Fee ($280.00) Paid for: Jackson White PC - By Integrated Resource Systems IN
6.	11-Feb-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes motion for entry of final order)
7.	16-Feb-2016	FILED: Appellee's Notice re: Appellee's Fee/Appellants' Briefs' Due

Information presented in this document may not reflect all case activity and is subject to change without notice.

54 PROCEEDING ENTRIES

8.	17-Feb-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes 8/26/15 Transcript from Reporter Mina G. Hunt)
9.	18-Feb-2016	FILED: Notice of Payment Appellee's Filing Fee; Certificate of Service (Appellee Jordan)
10.	20-Feb-2016	FILED: Notice of Change of Firm and Change of Address; Certificate of Service (Respondent/Defendant/Appellant/Appellee, Hubbard)
11.	22-Feb-2016	RECEIPT No.: 2016-00235 ; $140.00, Authorization: #53004352833, Applied to: MARLA C JORDAN - Class B Filing Fee ($140.00) Paid for: Murphy Schmitt Hathaway & Wilson PLLC - By Integrated Resource Systems IN
12.	14-Mar-2016	ORDERED: Dismissing Appellant Durfee's appeal as abandoned. FURTHER ORDERED: Amending the caption to remove Durfee as a party. FURTHER ORDERED: Appellant Hubbard's Case Management Statement shall be filed on/before 3/24/16. Barbara Vidal Vaught ProTem Judge - Author
13.	17-Mar-2016	FILED: Motion to Reinstate Mr. Durfee's Appeal; Certificate of Service (Appellant)
14.	18-Mar-2016	RECEIPT No.: 2016-00351 ; $280.00, Check Number: 46717, Applied to: RICHARD E. DURFEE, JR. (DISMISSED PER ORDER OF 3/1 - Class A Filing Fee ($280.00) Paid for: - By Law Office of Davis Miles, PLLC
15.	21-Mar-2016	ORDERED: Motion to Reinstate Mr. Durfee's Appeal (Appellant) = GRANTED and reinstating Richard E Durfee, Jr.'s appeal. FURTHER ORDERED: Amended to caption to include appellant Richard E Durfee, Jr. FURTHER ORDERED: All opening briefs shall be filed on/before 4/5/16. Barbara Vidal Vaught ProTem Judge - Author
16.	24-Mar-2016	FILED: Case Management Statement; Signed Case Management Statement; Certificate of Service (Appellant Durfee)
17.	24-Mar-2016	FILED: Section E. Contact Info (Appellant Durfee)
18.	24-Mar-2016	FILED: Case Management Statement (Appellant Hubbard)
19.	30-Mar-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
20.	1-Apr-2016	FILED: Appellant/Intervenor's Motion to Extend Time to File Opening Brief; Certificate of Service; Exhibit 1; Exhibit 2 (Intervenor)
21.	1-Apr-2016	FILED: Supplement to Motion to Extend Time to File Opening Brief; Certificate of Service (Intervenor)
22.	4-Apr-2016	ORDERED: Appellant/Intervenor's Motion to Extend Time to File Opening Brief; Exhibit 1; Exhibit 2 (Intervenor) = GRANTED and extending time for filing for all opening briefs to/including 6/6/16. Barbara Vidal Vaught ProTem Judge - Author
23.	4-Apr-2016	FILED: Hubbard's Joinder to Appellant/Intervenor's Motion to Exend Time to Filing Opening Brief; Certificate of Service (Appellant)
24.	27-Apr-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes Notice of Appeal filed 4/1/16)
25.	6-Jun-2016	FILED: Hubbard's Motion to Extend Time to File Opening Brief Nine Court Days Until June 17, 2016; Certificate of Service (Appellant)
26.	6-Jun-2016	FILED: Appellant/Intervenor's Opening Brief; Certificate of Compliance; Certificate of Service (Intervenor/Appellant)
27.	6-Jun-2016	FILED: Untitled (Appellant/Intervenor's Opening Brief Appendix) (Appellant)
28.	6-Jun-2016	FILED: Unititled (Appellant/Intervenor's Opening Brief Appendix) (Appellant)
29.	6-Jun-2016	FILED: Request for Oral Argument; Certificate of Service (Appellant)
30.	7-Jun-2016	ORDERED: Hubbard's Motion to Extend Time to File Opening Brief Until June 17, 2016 (Appellant) = GRANTED. Due date EXTENDED from Monday, 06-06-2016 to Friday, 06-17-2016. Melina Brill ProTem Judge - Author
31.	17-Jun-2016	FILED: Hubbard's Request for Oral Argument; Certificate of Service (Appellant)
32.	17-Jun-2016	FILED: Appellant James L. Hubbard's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant-Appellee)
33.	11-Jul-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
34.	13-Jul-2016	FILED: Joint Motion to Amend Appellate Caption; Certificate of Service (Appellee)

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54 PROCEEDING ENTRIES

35.	18-Jul-2016	FILED: Appellee's/Plaintiff's Motion for Extension of Time to File Answering Briefs; Certificate of Service - Motion for Extension of Time to File Answering Briefs (Appellee)
36.	18-Jul-2016	FILED: Appellee's Notice of No Objection to Joint Motion to Amend Appellate Caption; Certificate of Service - Appellee's Notice of No Objection to Joint Motion to Amend Appellate Caption (Appellee)
37.	19-Jul-2016	ORDERED: Joint Motion to Amend Appellate Caption (Appellee) = GRANTED. FURTHER ORDERED: amending caption in appeal by removing designation of "appellee" as to James L. Hubbard and Richard E. Durfee, Jr. FURTHER ORDERED: Appellee's/Plaintiff's Motion for Extension of Time to File Answering Briefs (Appellee) = GRANTED. Due date EXTENDED from Monday, 07-25-2016 to Friday, 08-12-2016. Melina Brill ProTem Judge - Author
38.	9-Aug-2016	FILED: Appellee's/Plaintiff's Motion for Second Extension of Time to File Answering Briefs; Certificate of Service (Appellee)
39.	11-Aug-2016	ORDERED: Appellee's/Plaintiff's Motion for Second Extension of Time to File Answering Briefs (Appellee) = GRANTED. Due date EXTENDED from Friday, 08-12-2016 to Tuesday, 08-23-2016 (Jordan to Durfee); Due date EXTENDED from Friday, 08-12-2016 to Tuesday, 08-23-2016 (Jordan to Hubbard). Barbara Vidal Vaught ProTem Judge - Author
40.	18-Aug-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
41.	23-Aug-2016	FILED: Appellee's/Plaintiff's Motion for Third Extension of time to File Answering Briefs; Certificate of Service - Motion for Third Extension of Time to File Answering Briefs (Appellee)
42.	24-Aug-2016	ORDERED: Appellee's/Plaintiff's Motion for Third Extension of time to File Answering Briefs (Appellee) = GRANTED. Due date EXTENDED from Tuesday, 08-23-2016 to Tuesday, 08-30-2016. Melina Brill ProTem Judge - Author
43.	30-Aug-2016	FILED: Answering Brief of Petitioner/Plaintiff/Appellee to Appellant/Proposed Intervenor's Opening Brief; Certificate of Compliance; Certificate of Service (Appellee)
44.	31-Aug-2016	FILED: Answering Brief of Petitioner/Plaintiff/Appellee to Appellant James L Hubbard's Opening Brief; Certificate of Compliance; Certificate of Service (Appellee)
45.	1-Sep-2016	FILED: Notice of Filing Corrected Certificate of Service, re: Answering Brief; Certificate of Service; Corrected Certificate of Service (Appellee)
46.	1-Sep-2016	FILED: Notice of Filing Corrected Certificate of Service, re: Answering Brief; Certificate of Service; Corrected Certificate of Service (Appellee)
47.	6-Sep-2016	FILED: Joint Motion to Consolidate Appeals; Certificate of Service (Appellant)
48.	23-Sep-2016	FILED: Appellant/Intervenor's Reply Brief; Certificate of Compliance; Certificate of Service (Intervenor)
49.	26-Sep-2016	FILED: Hubbard's Motion to Extend Time to File Reply Brief Until October 10, 2016; Certificate of Service (Respondent)
50.	27-Sep-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
51.	27-Sep-2016	ORDERED: Joint Motion to Consolidate Appeals (Appellant) = GRANTED in part. FURTHER ORDERED: consolidating case 1 CA-CV 16-0060 and case 1 CA-CV 16-0474. Case no. 1 CA-CV 16-0060 is designated the primary number, and the above caption shall be used on all future documents filed in this appeal. FURTHER ORDERED: denying request to assign a new case number to the 04/01/2016 notice of appeal. FURTHER ORDERED: Hubbard's Motion to Extend Time to File Reply Brief Until October 10, 2016 (Respondent) = GRANTED. Due date EXTENDED from Monday, 09-26-2016 to Tuesday, 10-11-2016 (Hubbard). Melina Brill ProTem Judge - Author
52.	11-Oct-2016	FILED: Appellant James L. Hubbard's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant Hubbard)
53.	8-Nov-2016	ORDERED: granting the requests for oral argument. Oral argument will be scheduled in the normal course of the court's civil appeals calendar, and the court will notify counsel of the date. Hon Michael J Brown - Author
54.	12-Jan-2017	FILED: Supplemented Superior Court e-Record with Revised Index of Record

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