

Court of Appeals, Division One
Civil Appeal

1 CA-CV 16-0064

GONZALEZ v. MAT CONST et al.

| Appellate Case Information | Dept/Composition |
|--|------------------|
| Case Filed: 5-Feb-2016 Case Closed: | |

Side 1. SILVESTRE CASTRO GONZALEZ and MARIA TERESA GONZALEZ, husband and wife, and the surviving children, Plaintiff/Appellant
(Litigant Group) SILVESTRE CASTRO GONZALEZ et al.

- Silvestre Castro Gonzalez
- Maria Teresa Gonzalez

Co-Counsel for: Plaintiffs/Appellants
David C Shapiro, Esq. (AZ Bar No. 28056)
Luis P Guerra, Esq. (AZ Bar No. 15768)
Kenneth B Vaughn, Esq. (AZ Bar No. 14082)
Sharon R Sprague, Esq. (AZ Bar No. 26109)

Side 2. MAT CONSTRUCTION, INC., YUMA, dba MAT CONSTRUCTION, INC., a corporation; MICHAEL and JANET TUCKER, a married couple, Defendant/Appellee

(Litigant Group) MAT CONSTRUCTION INC YUMA

- Mat Construction Inc Yuma

Attorneys for: Defendant/Appellee
Matthew D Kleifield, Esq. (AZ Bar No. 11564)
Venus G Booth, Esq. (AZ Bar No. 29624)

(Litigant Group) MICHAEL and JANET TUCKER

- Michael Tucker
- Janet Tucker

Attorneys for: Defendants/Appellees Tucker
David L Curl, Esq. (AZ Bar No. 6610)
J C Patrascioiu, Esq. (AZ Bar No. 24836)

CASE STATUS

Sep 21, 2016....At Issue

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|----------------------|--------------------------|-------------------|--|-------|-------|
| YUM S1400CV201400269 | Tort - Non Motor Vehicle | | John Neff Nelson, Authoring Judge of Order | | |

PENDING MATTER

General Motion

* Defendant/Appellee Mat Construction, Inc, Yuma DBA Mat Constructions Motion to Strike Part (Appellee)

Filed: 29-Sep-2016

Scheduled: 10-Nov-2016

42 PROCEEDING ENTRIES

| | | |
|----|-------------|---|
| 1. | 5-Feb-2016 | FILED: Index of Record, Notice of Appeal from Yuma County Superior Court filed 01/07/16 |
| 2. | 5-Feb-2016 | FILED: e-Record on Appeal: Instruments/Minute Entries |
| 3. | 10-Feb-2016 | FILED: Rule 11(d)(1) Notice; Certificate of Service (Appellant) |
| 4. | 12-Feb-2016 | FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due |
| 5. | 16-Feb-2016 | FILED: Rule 9(e)(2) Notice of Pendency of Post Judgment Motions; Certificate of Service (Appellant) |
| 6. | 16-Feb-2016 | FILED: Rule 9(e)(2) Notice of Pendency of Post Judgment Motions; Certificate of Service; Exhibit A (Appellant) |
| 7. | 19-Feb-2016 | RECEIPT No.: 2016-00221 ; \$280.00, Check Number: 5572, Applied to: SILVESTRE CASTRO GONZALEZ et al. - Class A Filing Fee (\$280.00) Paid for: - By Grant & Vaughn PC |
| 8. | 23-Feb-2016 | FILED: Notice of Errata Re Rule 11(d)(1) Notice; Certificate of Service (Appellant) |
| 9. | 26-Feb-2016 | FILED: Appellee's Notice re: Both Appellees Fees Due/Appellant's Brief Due |

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10. 2-Mar-2016 FILED: Case Management Statement; Exhibit A - Order Denying Plaintiffs' Motion for Reconsideration and Rule 59 and Rule 60 Motions filed 2/26/16; Exhibit B - Notice of Appeal filed 2/11/16 (Appellant)
11. 3-Mar-2016 RECEIPT No.: 2016-00294 ; \$140.00, Check Number: #101061, Applied to: MAT CONSTRUCTION INC YUMA - Class B Filing Fee (\$140.00) Paid for: - By Lewis Brisbois Bisgaard & Smith LLP (Memo: X-ref Rcpt 2016-00291)
12. 3-Mar-2016 FILED: Defendants/Appellees' Notice of Filing Joint Opposition to Plaintiffs' Notice of Lodging Form of Rule 54(c) Final Order; Certificate of Service (Appellee)
13. 7-Mar-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Appeal filed 2/11/16)
14. 8-Mar-2016 RECEIPT No.: 2016-00307 ; \$140.00, Check Number: #11350, Applied to: MICHAEL and JANET TUCKER - Class B Filing Fee (\$140.00) Paid for: - By Curl & Glasson PLC
15. 14-Mar-2016 ORDERED: Denying as moot the request to stay this appeal to allow appellants to apply to the superior court to include Rule 54(c) language in the December 8, 2015 order. Barbara Vidal Vaught ProTem Judge - Author
16. 23-Mar-2016 FILED: Rule 9(e)(2) Notice of Disposition of Post Judgment Motions; Certificate Of Service For Rule 9(E)(2) Notice Of Disposition Of Post-judgment Motions; Exhibit A; Exhibit B (Appellant)
17. 28-Mar-2016 FILED: Letter, 3/24/16, to COA1 from Yuma County Superior Court re: Notice of Filing of Amended Appeal
18. 29-Mar-2016 FILED: Defendants/Appellees' Supplement to Plaintiffs/Appellants' Case Management Statement
19. 6-Apr-2016 FILED: Unopposed (First) Motion for Procedural Order Extending Time to File Opening Brief; Certificate of Service; Declaration of Counsel in Support of Unopposed (First) Motion for Procedural Order Extending Time to File Opening Brief (Appellant)
20. 7-Apr-2016 ORDERED: Unopposed (First) Motion for Procedural Order Extending Time to File Opening Brief = GRANTED. Due date EXTENDED from Tuesday, 04-12-2016 to Thursday, 05-12-2016. Barbara Vidal Vaught ProTem Judge - Author
21. 22-Apr-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes an Amended Noticed of Appeal filed 3/23/16)
22. 12-May-2016 FILED: Appellants' Opening Brief; Certificate of Compliance for Opening Brief; Certificate of Service for Opening Brief (Appellant)
23. 24-May-2016 FILED: Defendant/Appellees Joint Motion for Procedural Order Extending Time to File Answering Brief; Certificate of Service (Appellee)
24. 25-May-2016 ORDERED: Appellees' Joint Motion for Procedural Order Extending Time to File Answering Briefs (Appellees) = GRANTED. Due date EXTENDED from Monday, 06-27-2016 to Wednesday, 07-27-2016. Melina Brill ProTem Judge - Author
25. 27-May-2016 RECEIPT No.: 2016-00649 ; \$140.00, Authorization: #47019357019, Applied to: MAT CONSTRUCTION INC YUMA - Overpayment Class B (\$140.00) Paid for: Lewis Brisbois Bisgaard & Smith LLP - By Integrated Resource Systems IN (Memo: Duplicate pmt - See Rcpt 2016-00294 - Refund needed)
26. 17-Jun-2016 FILED: Letter, 06/17/2016, from Court to Lewis Brisbois Bisgaard & Smith LLP, refunding \$140.00 due to duplicate payment
27. 26-Jul-2016 FILED: Appellees Tuckers' Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
28. 27-Jul-2016 FILED: Defendant/Appellee MAT Construction, Inc. Yuma dba MAT Construction's Answering Brief; Defendant/Appellee MAT Construction, Inc., Yuma dba MAT Construction's Certificate of Compliance; Defendant/Appellee MAT Construction, Inc., Yuma dba MAT Construction's Certificate of Service (Appellee)
29. 19-Aug-2016 FILED: (First) Motion for Procedural Order Extending Time to File Reply Brief; Certificate of Service; Declaration of Kenneth Vaughn; Declaration of David Shapiro (Appellant)
30. 22-Aug-2016 ORDERED: (First) Motion for Procedural Order Extending Time to File Reply Brief (Appellant) = GRANTED in part. Due date EXTENDED from Monday, 08-22-2016 to Wednesday, 09-21-2016. Melina Brill ProTem Judge - Author
31. 21-Sep-2016 FILED: Appellants' Reply Brief to MAT Construction, INC. Yuma; Certificate of Compliance for Reply Brief; Certificate of Service for Reply Brief (Appellants)
32. 21-Sep-2016 FILED: Appellants' Reply Brief to Michael and Janet Tucker; Certificate of Compliance for Reply Brief; Certificate of Service for Reply Brief (Appellants)
33. 22-Sep-2016 FILED: Appellants Request for Oral Argument; Certificate of Service (Appellant)
34. 29-Sep-2016 FILED: Defendant/Appellee Mat Construction, Inc, Yuma DBA Mat Constructions Motion to Strike Part; Certificate of Service (Appellee)

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35. 4-Oct-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
36. 12-Oct-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
37. 13-Oct-2016 ORDERED: Appellants Request for Oral Argument; Certificate of Service (Appellant) = GRANTED. Oral argument will be scheduled in normal course of court's civil appeals calendar, and court will notify counsel of date. Hon Michael J Brown - Author
38. 18-Oct-2016 FILED: (First) Motion for Procedural Order Extending Time to File Response to Appellee's Motion to Strike in Part; Certificate of Service; Declaration of Kenneth B. Vaughn (Appellant)
39. 19-Oct-2016 ORDERED: (First) Motion for Procedural Order Extending Time to File Response to Appellee's Motion to Strike in Part (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 10-19-2016 to Wednesday, 11-02-2016. Melina Brill ProTem Judge - Author
40. 2-Nov-2016 FILED: Appellants' Response to Appellee Mat Construction Inc. Yuma's Motion to Strike in Part; Certificate of Service (Appellant)
41. 9-Nov-2016 FILED: Defendant-Appellee MAT Construction, Inc., Yuma dba MAT Construction's Reply in Support of Motion to Strike in Part; Certificate of Service (Appellee)
42. 10-Nov-2016 ORDERED: deferring a ruling on the motion (Motion to Strike in Part) to the panel that considers this appeal on the merits. Melina Brill ProTem Judge - Author