Court of Appeals, Division One

Civil Appeal

1 CA-CV 16-0099 BANK OF AMERICA v. FELCO et al.

Appellate Case Information

Case Filed: 24-Feb-2016

Case Closed:

Dept/Composition

Side 1. BANK OF AMERICA, N.A., a national banking association, Plaintiff/Appellant

(Litigant Group) BANK OF AMERICA NA

- **Bank of America NA**

Attorneys for: Plaintiff/Appellant

Denise J Wachholz, Esq. (AZ Bar No. 11526)

Richard H Goldberg, Esq. (AZ Bar No. 20824)

Side 2. FELCO BUSINESS SERVICES, INC. 401(K) PROFIT SHARING PLAN, Ira S. Feldman, Trustee; and FBS SEDONA, LLC, an Arizona limited liability company, Defendant/Appellee

(Litigant Group) FELCO BUSINESS SERVICES INC et al.

- **Felco Business Services Inc 401(K) Profit Sharing Plan**
- **FBS Sedona LLC**

Attorneys for: Defendants/Appellees

David K Wilhelmsen, Esq. (AZ Bar No. 7112)

Lance B Payette, Esq. (AZ Bar No. 7556)

CASE STATUS

Aug 5, 2016.....At Issue

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV	V1300CV201180303	Breach of Contract; Negligence; Fraud; Declaratory Judgment		Jeffrey G Paupore, Authoring Judge of Order		

PENDING MATTER

General Motion Filed: 8-Aug-2016

** Appellee's Motion to Strike Certain Portions of Appellant's Reply Brief as Impermissible New Argument (Appellee)* *Scheduled: 2-Sep-2016*

30 PROCEEDING ENTRIES

1.	24-Feb-2016	FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 01/14/16
2.	24-Feb-2016	FILED: e-Record on Appeal: Instruments/Minute Entries
3.	26-Feb-2016	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4.	29-Feb-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
5.	29-Feb-2016	RECEIPT No.: 2016-00278 ; $280.00, Check Number: #111685, Applied to: BANK OF AMERICA NA - Class A Filing Fee ($280.00) Paid for: - By Renaud Cook Drury Mesaros PA
6.	8-Mar-2016	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
7.	9-Mar-2016	FILED: Notice of Appellees Filing Fee Payment; Certificate of Service
8.	10-Mar-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Ruling re: Defendant's Jobes' Motion for summary Judgment filed 3/9/16 - denied)
9.	11-Mar-2016	RECEIPT No.: 2016-00324 ; $140.00, Authorization: #70016939998, Applied to: FELCO BUSINESS SERVICES INC et al. - Class B Filing Fee ($140.00) Paid for: Favour Moore & Wilhelmsen PA - By Integrated Resource Systems IN
10.	17-Mar-2016	FILED: Case Management Statement (Appellant)
11.	21-Mar-2016	ORDERED: (Court has selected this appeal for assignment to Settlement Conference Program) staying this appeal until further notice. Anthony Mackey ProTem Judge - Author

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30 PROCEEDING ENTRIES

12.	28-Mar-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
13.	28-Mar-2016	ORDERED: setting telephonic assessment conference for 4/7/16 @ 3 pm. Judge Patricia K Norris will conduct telephonic conference. Anthony Mackey ProTem Judge - Author
14.	13-Apr-2016	ORDERED: Court will hold an in-person settlement conference on 6/9/16 @ 10 am. FURTHER ORDERED: Participants shall have full authority to negotiate and settle case on any agreed-upon terms at conference. (See order). Hon Patricia K Norris - Author
15.	14-Apr-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
16.	9-Jun-2016	ORDERED: Lifting Stay of appeal. FURTHER ORDERED: Opening Brief due 07/08/2016. Parties shall address any future motions to court. Hon Patricia K Norris - Author
17.	8-Jul-2016	FILED: Appellant's Opening Brief; Appellant's Opening Brief Certificate of Compliance; Appellant's Opening Brief Certificate of Service (Appellant)
18.	11-Jul-2016	FILED: Appellees' Answering Brief; Appellees' Certificate of Compliance for Answering Brief; Appellees' Certificate of Filing and Service for Answering Brief (Appellees)
19.	5-Aug-2016	FILED: Appellant's Motion to Strike Certain Portions of Answering Brief as Outside the Official Record; Certificate of Service Regarding Appellant's Motion To Strike Certain Portions of Answering Brief as Outside the Official Record (Appellant)
20.	5-Aug-2016	FILED: Appellant's Request for Oral Argument; Certificate of Service Regarding Appellant's Request for Oral Argument (Appellant)
21.	5-Aug-2016	FILED: Appellant's Reply Brief; Appellant's Reply Brief Certificate of Compliance; Certificate of Service Regarding Appellant's Reply Brief & Certificate of Compliance (Appellant)
22.	8-Aug-2016	FILED: Appellee's Response to Appellant's Motion to Strike; Certificate of Service (Appellee)
23.	8-Aug-2016	FILED: Appellee's Motion to Strike Certain Portions of Appellant's Reply Brief as Impermissible New Argument; Certificate of Service of Appellee's Motion to Strike Certain Portions of Appellant's Reply Brief as Impermissible New Argument (Appellee)
24.	10-Aug-2016	FILED: Appellees' Notice of Supplemental Authority; Certificate of Service of Appellees' Notice of of [sic] Supplemental Authority; Courtesy Copy - 1 CA-CV 14-0752 Opinion (Appellee)
25.	15-Aug-2016	FILED: Appellant's Cross-Designation of Notice of Supplemental Authority; Certificate of Service Regarding Appellant's Cross-Designation of Notice of Supplemental Authority (Appellant)
26.	15-Aug-2016	FILED: Appellant's Reply in Support of Motion to Strike Certain Portions of Answering Brief as Outside the Official Record; Certificate of Service (Appellant)
27.	19-Aug-2016	FILED: Appellant's Response to Appellant's Reply Brief as Impermissible New Argument; Certificate of Service (Appellant)
28.	22-Aug-2016	FILED: Appellees Reply to Appellants Response to Appellees Motion to Strike; Certificate of Service - Appellees Reply to Appellants Response to Appellees Motion to Strike (Appellee)
29.	23-Aug-2016	ORDERED: Appellant's Motion to Strike Certain Portions of Answering Brief as Outside the Official Record (Appellant) = GRANTED/striking portions of answering brief, as outlined in order. FURTHER ORDERED: deferring a ruling on appellees' Motion to Strike Certain Portions of Appellant's Reply Brief as Impermissible New Argument to panel that considers appeal on the merits. Melina Brill ProTem Judge - Author
30.	8-Sep-2016	ORDERED: Appellant's Request for Oral Argument (Appellant) = GRANTED. 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

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