Court of Appeals, Division One

Civil Appeal

1 CA-CV 16-0116 — CANYON v. EARLE

Appellate Case Information

Case Filed: 7-Mar-2016

Case Closed:

Dept/Composition

Department D

Hon. Andrew W. Gould
Hon. Peter B Swann
Hon. Patricia A Orozco

Side 1. CANYON STATE CREDIT UNION, a federally insured state chartered credit union, Plaintiff/Appellee

(Litigant Group) CANYON STATE CREDIT UNION

- **Canyon State Credit Union**

Attorneys for: Plaintiff/Appellee

Mark A Kirkorsky, Esq. (AZ Bar No. 10029)

Joseph L Whipple, Esq. (AZ Bar No. 21391)

Tara K Miller, Esq. (AZ Bar No. 24742)

Side 2. ROBERT LINDSAY EARLE, JR., Defendant/Appellant

(Litigant Group) ROBERT L EARLE

- **Robert L Earle**
  AZ Bar No. 13134
  [Current Member]
  Admitted 9/18/90

Attorneys for: Defendant/Appellant

Robert L Earle, Esq. (AZ Bar No. 13134)

CASE STATUS

Dec 30, 2016....Decision Rendered

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV	P1300CV201500314	Breach of Contract		David L Mackey, Authoring Judge of Order		

2 OPEN DUE DATES

Motion for Reconsideration due — **Due By:** Tuesday, January 17, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Andrew W Gould - Author; Hon Peter B Swann - Concur; Hon Patricia A Orozco - Concur

Petition for Review to ASC due — **Due By:** Monday, January 30, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Andrew W Gould - Author; Hon Peter B Swann - Concur; Hon Patricia A Orozco - Concur

CASE DECISION

30-Dec-2016 MEMORANDUM DECISION

Andrew Gould.....Author
Peter Swann.....Concur
Patricia Orozco.....Concur

Filed: **30-Dec-2016** Mandate:

Decision Disposition
Affirmed

30 PROCEEDING ENTRIES

1.	7-Mar-2016	FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 02/12/16
2.	7-Mar-2016	FILED: e-Record on Appeal: Instruments/Minute Entries
3.	8-Mar-2016	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4.	9-Mar-2016	FILED: Untitled: Motion to Dismiss Appeal; Certificate of Service (Appellee)
5.	9-Mar-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
6.	11-Mar-2016	RECEIPT No.: 2016-00320 ; $140.00, Authorization: #70016939998, Applied to: CANYON STATE CREDIT UNION - Class B Filing Fee ($140.00) Paid for: Mark A Kirkorsky - By Integrated Resource Systems IN

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

30 PROCEEDING ENTRIES

7.	14-Mar-2016	RECEIPT No.: 2016-00331 ; $280.00, Check Number: #0998, Applied to: ROBERT L EARLE - Class A Filing Fee ($280.00) Paid for: Law Offices of Earle & Associates - By Law Offices of Earle & Associates
8.	18-Mar-2016	ORDERED: dismissing appellant's appeal from 11/5/15 default judgment for lack of jurisdiction. FURTHER ORDERED: staying this appeal to/including 5/2/16, and re-vesting jurisdiction in Coconino Superior Court to consider application by appellant for a signed order corresponding to is minute entry order filed 2/9/16. FURTHER ORDERED: Within 10 days after court issues a ruling on application, appellant shall file a notice w/ this court w/ ruling attached. Appeal will be automatically reinstated. FURTHER ORDERED: If not reinstated, appellant shall file a request to continue stay of appeal or appeal will be dismissed. FURTHER ORDERED: If a signed order if filed, opening brief shall be due on 6/1/16. Barbara Vidal Vaught ProTem Judge - Author
9.	24-Mar-2016	FILED: Case Management Statement (Appellant)
10.	31-Mar-2016	ORDERED: amending paragraph five of 3/18/16 order to state that court re-vests jurisdiction in Superior Court of Yavapai County. Barbara Vidal Vaught ProTem Judge - Author
11.	18-Apr-2016	FILED: Notice of Final Order Regarding Motion to Set Aside Default Judgment Under Rule 58 (a) Per Court of Appeals Order dated March 18, 2016; Certificate of Service (Appellant)
12.	19-Apr-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Yavapi Superior Court Ruling filed 4/11/16 re: Motion to Set Aside Default Judgmetn is denied)
13.	1-Jun-2016	FILED: Motion to Extend Time to File Opening Brief Set on June 1, 2016 for 30 Addtional Days; Certificate of Service (Appellant)
14.	2-Jun-2016	FILED: Response to Motion to Extend Time to File Opening Brief; Certificate of Service (Appellee)
15.	2-Jun-2016	ORDERED: Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 06-01-2016 to Friday, 07-01-2016. Melina Brill ProTem Judge - Author
16.	6-Jun-2016	ORDERED: Affirming 06/02/2016 order extending Opening Brief due date to 07/01/2016. Melina Brill ProTem Judge - Author
17.	1-Jul-2016	FILED: Appellant Robert Lindsay Earle, Jr's Opening Brief; Certificate of Compliance; Certificate of Service By Mail (Appellant)
18.	29-Jul-2016	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
19.	23-Aug-2016	FILED: Motion to Extend Time to File Reply Brief Set on August 23, 2016 for 45 Additional Days; Certificate of Service (Appellant)
20.	24-Aug-2016	FILED: Opposition to Appellants Second Motion to Extend; Certificate of Service (Appellee)
21.	24-Aug-2016	ORDERED: Motion to Extend Time to File Reply Brief Set on August 23, 2016 for 45 Additional Days (Appellant) = GRANTED in part. Due date EXTENDED from Tuesday, 08-23-2016 to Monday, 09-12-2016. Melina Brill ProTem Judge - Author
22.	25-Aug-2016	ORDERED: affirming this court's 08/24/2016 order granting a 20-day extension of time for filing the reply brief to/including 09/12/2016. Melina Brill ProTem Judge - Author
23.	13-Sep-2016	FILED: Motion to Extend Time to File Reply Brief Set on September 12, 2016 for 1 Day; Certificate of Service (Appellant)
24.	13-Sep-2016	FILED: Appellant Robert Lindsay Earle, Jr.'s Reply Brief; Certificate of Compliance; Certificate of Service by Mail (Appellant)
25.	14-Sep-2016	ORDERED: Motion to Extend Time to File Reply Brief Set on September 12, 2016 for 1 Day (Appellant) = GRANTED/accepting brief filed 09/13/2016. Melina Brill ProTem Judge - Author
26.	4-Oct-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
27.	6-Oct-2016	Record Receipt Noted - ENTIRE RECORD FILED - There is no additional electronic or physical record to be transmitted.
28.	28-Oct-2016	CLNDR: CONFERENCE, Department D, 12-14-16, COURTROOM 1.
29.	30-Dec-2016	MEMORANDUM DECISION (Affirmed) Hon Andrew W Gould - Author; Hon Peter B Swann - Concur; Hon Patricia A Orozco - Concur
30.	30-Dec-2016	FILED: Memorandum Decision Distribution List

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