# Court of Appeals, Division One

## Civil Appeal

# 1 CA-CV 16-0288 LAUFER, et al. v. AUDITORE, et al.

**Appellate Case Information**

Case Filed: 19-May-2016

Case Closed:

**Dept/Composition**

**Consolidated with:** 1 CA-CV 16-0463

**Side 1. JANET LAUFER, et al., Plaintiff/Appellant**

**(Litigant Group) JANET LAUFER, et al.**

- **Janet Laufer**
- **Linda Laufer-Schweitzer**
- **Michael Laufer**
- **Dorothy Laufer**

**Attorneys for: Plaintiffs/Appellants**

Charles D Onofry, Esq. (AZ Bar No. 12837)

Luane Rosen, Esq. (AZ Bar No. 13391)

**Side 2. MICHAEL J AUDITORE, et al., Defendant/Appellee**

**(Litigant Group) MICHAEL J AUDITORE, et al.**

- **Michael J Auditore**
- **Susan R Auditore**
- **Auditore & Associates LLC**

**Attorneys for: Defendants/Appellees Auditore et al**

Robert B Zelms, Esq. (AZ Bar No. 18956)

Debora L Verdier, Esq. (AZ Bar No. 18676)

**(Litigant Group) STARR INDEMNITY & LIABILITY COMPANY (Re 1 CA-CV 16-0463)**

- **Starr Indemnity & Liability Company**

**Attorneys for: Defendant/Appellee Starr**

Mark G Worischeck, Esq. (AZ Bar No. 11147)

Shanks Leonhardt, Esq. (AZ Bar No. 25595)

| PREDECESSOR CASE(S) | | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---|---|---|---|---|---|---|
| MAR | CV2014-094388 | Breach of Contract | | Robert H Oberbillig, Authoring Judge of Order | | |
| MAR | CV2016-001755 | Negligence; Negligent Misrepresentation | | | | |

## 2 OPEN DUE DATES

**Reply Brief due** **Due By:** Tuesday, January 24, 2017

*To Starr* [1 extension]

*Re: * FILED: Appellee Starr Indemnity & Liability Company's Answering Brief; Certificate of Compliance for Appellee Starr Indemnity & Liability Company's Answering Brief; Certificate of Service to Appellee Starr Indemnity & Liability Company's Answering Brief*

**Reply Brief due** **Due By:** Tuesday, January 24, 2017

*To Auditore* [1 extension]

*Re: * FILED: Answering Brief of Defendants/Appellees Michael J. Auditore, Susan R. Auditore, and Auditore & Associates, LLC; Defendants/Appellees' Certificate of Compliance of Appellees' Answering Brief; Defendants/Appellees Michael J Auditore, and Susan R Au*

## PENDING MATTER

**Div 1 Request for Oral Argument** Filed: 25-Oct-2016

*Appellants' Request for Oral Argument (Appellant)*

## 41 PROCEEDING ENTRIES

| | | |
|---|---|---|
| 1. | 19-May-2016 | FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/21/16 |
| 2. | 19-May-2016 | FILED: e-Record on Appeal (CV2014-094388):<br>Instruments/Minute Entries<br>Exhibits: None |
| 3. | 23-May-2016 | FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due |
| 4. | 24-May-2016 | FILED: Appellants' Notice of Payment of Filing Fee; Appellants' Certificate of Service (Appellants) |



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

**41 PROCEEDING ENTRIES**

| | | |
|---|---|---|
| 5. | 27-May-2016 | RECEIPT No.: 2016-00645 ; $280.00, Authorization: #47019357019, Applied to: JANET LAUFER, et al. - Appellant's Filing Fee ($280.00) Paid for: Schneider & Onofry PC - By Integrated Resource Systems IN |
| 6. | 27-May-2016 | RECEIPT No.: 2016-00651 ; $280.00, Authorization: #47019357019, Applied to: JANET LAUFER, et al. - Class A Filing Fee ($280.00) Paid for: Schneider & Onofry PC - By (Memo: x-ref: 2016-00645) |
| 7. | 27-May-2016 | VOID RECEIPT No.: 2016-00645 - $-280.00, Authorization: #47019357019, - Applied to: JANET LAUFER, et al. - Appellant's Filing Fee ($-280.00) Paid for: Schneider & Onofry PC - By: Integrated Resource Systems IN VOID Reason: x-ref 2016-00651 incorrect receivable. alc |
| 8. | 3-Jun-2016 | FILED: Appellants' Notice of Filing and Serving Reporter's Transcript of Proceedings; Appellants' Certificate of Service (Appellants) |
| 9. | 3-Jun-2016 | FILED: Reporter's Transcript - 02/03/2016 (April M. Escobedo) (Appellants) |
| 10. | 3-Jun-2016 | FILED: Reporter's Transcript - 04/12/2016 (Laura I. Blair) (Appellants) |
| 11. | 6-Jun-2016 | FILED: Appellee's Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due |
| 12. | 9-Jun-2016 | FILED: Case Management Statement (Appellants) |
| 13. | 13-Jun-2016 | RECEIPT No.: 2016-00722 ; $140.00, Check Number: #264225, Applied to: MICHAEL J AUDITORE, et al. - Class B Filing Fee ($140.00) Paid for: - By Manning & Kass Ellrod Ramirez Trester LLP |
| 14. | 21-Jun-2016 | FILED: Auditore Defendants' Notice of Payment of Filing Fees; Defendants/Appellees' Certificate of Service (Appellees) |
| 15. | 6-Jul-2016 | FILED: Appellees' Case Management Statement (Appellee) |
| 16. | 13-Jul-2016 | FILED: Appellants' Procedural Motion for Extension of Time to File Opening Brief; Appellants' Certificate of Service (Appellant) |
| 17. | 14-Jul-2016 | ORDERED: Appellants' Procedural Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 07-22-2016 to Monday, 08-22-2016. Melina Brill ProTem Judge - Author |
| 18. | 15-Aug-2016 | FILED: Stipulated Motion to Consolidate Appeals and Extend the Appeal Deadlines, Including the Briefing Schedule; Certificate of Service (Appellant) |
| 19. | 17-Aug-2016 | ORDERED: Stipulated Motion to Consolidate Appeals and Extend the Appeal Deadlines, Including the Briefing Schedule (Appellant) = GRANTED. FURTHER ORDERED: consolidating case 1 CA-CV 16-0288 and 1 CA-CV 16-0463. Case no. 1 CA-CV 16-0288 is designated the primary number, and the above caption shall be used on all future documents filed in this appeal. FURTHER ORDERED: case management statement due 09/06/2016. FURTHER ORDERED: opening brief due 10/17/2016. FURTHER ORDERED: appellee Starr Indemnity & Liability Company's filing fee of $140.00 due 09/01/2016. Melina Brill ProTem Judge - Author |
| 20. | 6-Sep-2016 | FILED: Appellants' Notice of Service of Transcripts on Counsel for Starr Indemnity; Appellants' Certificate of Service (Appellants) |
| 21. | 9-Sep-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 22. | 9-Sep-2016 | FILED: e-Record on Appeal (CV2016-001755):<br>Instruments/Minute Entries<br>Exhibits: None |
| 23. | 14-Sep-2016 | FILED: Appellants' Procedural Motion to Waive Second Appellant's Filing Fee (in 1 CA-CV 16-0463); Appellants' Certificate of Service (Appellant) |
| 24. | 14-Sep-2016 | FILED: Case Management Statement (previously filed on 9/7/2016 under 1 CA-CV 16-0463) (Appellant) |
| 25. | 15-Sep-2016 | FILED: Appellants' Notice of Payment of Filing Fee; Appellants' Certificate of Service (Appellants) |
| 26. | 15-Sep-2016 | ORDERED: Appellants' Procedural Motion to Waive Second Appellant's Filing Fee (in 1 CA-CV 16-0463) (Appellant) = DENIED. Melina Brill ProTem Judge - Author |
| 27. | 17-Oct-2016 | FILED: Appellants' Expedited Procedural Motion for a Two-Day Extension of Time to File Opening Brief; Appellants' Certificate of Service (Appellant) |
| 28. | 18-Oct-2016 | ORDERED: Appellants' Expedited Procedural Motion for a Two-Day Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 10-17-2016 to Wednesday, 10-19-2016. Melina Brill ProTem Judge - Author |
| 29. | 19-Oct-2016 | FILED: Opening Brief; Appellants' Certificate of Compliance; Appellants' Certificate of Service (Appellants) |



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**41 PROCEEDING ENTRIES**

| | | |
|---|---|---|
| 30. | 25-Oct-2016 | FILED: Appellants' Request for Oral Argument; Appellants' Certificate of Service (Appellant) |
| 31. | 31-Oct-2016 | FILED: Appellees Michael J Auditore, Susan Auditore and Auditore & Associates, LLCS Procedural Motion for Order for Extension of Time to File Answering Brief; Appellees Michael J. Auditore, Susan Auditore and Auditore & Associates, LLCsâ?? Certificate of Service of Procedural Motion For Order For Extension Of Time To File Answering Brief (Appellee) |
| 32. | 1-Nov-2016 | ORDERED: Appellees Michael J Auditore, Susan Auditore and Auditore & Associates, LLC's Procudural Motion for Order for Extension of Time to file Answering Brief = GRANTED/extending the time for filing the answering briefs to/including 12/12/2016. Melina Brill ProTem Judge - Author |
| 33. | 22-Nov-2016 | FILED: Stipulated Motion to Extend Deadline for Appellee Starr Indemnity & Liability Company to File Its Answering Brief; Certificate of Service (Appellee) |
| 34. | 23-Nov-2016 | ORDERED: Stipulated Motion to Extend Deadline for Appellee Starr Indemnity & Liability Company to File its Answering Brief (Appellee) = GRANTED/extending the time for filing all answering briefs to/including 12/21/2016. Melina Brill ProTem Judge - Author |
| 35. | 29-Nov-2016 | RECEIPT No.: 2016-01438 ; $140.00 Applied to: STARR INDEMNITY & LIABILITY COMPANY (Re 1 CA-CV 16 - Overpayment Class B ($140.00) Paid for: Sanders & Parks PC - By Integrated Resource Systems IN (Memo: Refund - Not a Part of Party) |
| 36. | 19-Dec-2016 | FILED: Letter, 12/19/2016, from Court to Sanders & Parks PC, refunding $140.00 due to duplicate payment |
| 37. | 20-Dec-2016 | FILED: Appellee Starr Indemnity & Liability Company's Answering Brief; Certificate of Compliance for Appellee Starr Indemnity & Liability Company's Answering Brief; Certificate of Service to Appellee Starr Indemnity & Liability Company's Answering Brief (Appellee Starr) |
| 38. | 20-Dec-2016 | FILED: Answering Brief of Defendants/Appellees Michael J. Auditore, Susan R. Auditore, and Auditore & Associates, LLC; Defendants/Appellees' Certificate of Compliance of Appellees' Answering Brief; Defendants/Appellees Michael J Auditore, and Susan R Auditore, and Auditore & Associates, LLCs' Certificate of Service of Appellees' Answering Brief (Appellee Auditore) |
| 39. | 12-Jan-2017 | FILED: Appellees Michael J. Auditore, Susan Auditore and Auditore & Associates, LLCS' Joinder in Starr Indemnity's Answering Brief Section II; Appellees Michael J. Auditore, Susan Auditore and Auditore & Associates, LLCs' Certificate of Service for Joinder in Starr Indemnity's Answering Brief Section II (Appellee) |
| 40. | 17-Jan-2017 | FILED: Appellants' Expedited Procedural Motion for a One-Week Extension of Time to File Reply Brief(s); Appellants' Certificate of Service (Appellant) |
| 41. | 19-Jan-2017 | ORDERED: Appellants' Expedited Procedural Motion for a One-Week Extension of Time to File Reply Brief(s) (Appellant) = GRANTED. All reply brief due dates EXTENDED from Tuesday, 01-17-2017 to Tuesday, 01-24-2017. Melina Brill ProTem Judge - Author |



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