Court of Appeals, Division One

Civil Appeal

1 CA-CV 16-0414 RUSSELL v. VAIRO, et al.

Appellate Case Information

Case Filed: 14-Jul-2016

Case Closed:

Dept/Composition

Side 1. WILLIAM RUSSELL, Plaintiff/Appellant

(Litigant Group) WILLIAM RUSSELL

- **William Russell** PRO SE

Side 2. RICHARD P VAIRO, et al., Defendant/Appellee

(Litigant Group) RICHARD P VAIRO, et al.

- **Richard P Vairo**
- **Jennifer T Vairo**

Attorneys for: Defendants/Appellees Vairo
Robert J Spurlock, Esq. (AZ Bar No. 9857)
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(Litigant Group) PATRICIA TAYLOR

- **Patricia Taylor**

Attorneys for: Defendant/Appellee Taylor
Paul M Levine, Esq. (AZ Bar No. 7202)

(Litigant Group) JAMES MYERS

- **James Myers**

Attorneys for: Defendant/Appellee Myers
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(Litigant Group) WEST USA REALTY INC

- **West USA Realty Inc**

Attorneys for: Defendant/Appellee West USA
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Michael G Kelley, Esq. (AZ Bar No. 23299)

CASE STATUS

Jan 17, 2017....At Issue

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2014-051269	Breach of Fiduciary Duty/Foreclosure		John R Hannah, Authoring Judge of Order		

PENDING MATTER

Div 1 Request for Oral Argument Filed: 19-Dec-2016

Request for Oral Argument (Appellee)

33 PROCEEDING ENTRIES

1.	14-Jul-2016	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/16/16
2.	14-Jul-2016	FILED: e-Record on Appeal: Instruments/Minute Entries
3.	14-Jul-2016	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4.	14-Jul-2016	FILED: Additional Record on Appeal: Exhibits: HD 9/8/14 - LIST # 2.001 2.002 3.001 3.002 3.003 4.001 4.002 8.001 8.002 8.003 8.004 8.005 9 13 16.01 16.002 16.003 16.005 16.006 16.007 17 18 19 20 22 23 24 25 26 27 29 30 31 32 33 34 35 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 in a Manila Envelope
5.	18-Jul-2016	FILED: Motion to Dismiss Appeal for Lack of Jurisdiction; Certificate of Service (Appellee West USA Realty)
6.	19-Jul-2016	FILED: Joinder in West USA's Motion to Dismiss Appeal for Lack of Jurisdiction; Certificate of Service re Joinder of West USA's Motion to Dismiss Appeal for Lack of Jurisdiction (Appellee Vairo)
7.	21-Jul-2016	FILED: Notice of Errata re Exhibit 6 to West USA's Motion to Dismiss Appeal Due to Lack of Jurisdiction; Certificate of Service (Appellee)

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

33 PROCEEDING ENTRIES

8.	22-Jul-2016	RECEIPT No.: 2016-00896 ; $140.00, Authorization: #02018909084, Applied to: WEST USA REALTY INC - Class B Filing Fee ($140.00) Paid for: Thomas Thomas & Markson PC - By Integrated Resources System IN
9.	22-Jul-2016	RECEIPT No.: 2016-00908 ; $140.00, Authorization: #03018877341, Applied to: RICHARD P VAIRO, et al. - Class B Filing Fee ($140.00) Paid for: Bonnett Fairbourn Friedman & Balint PC - By Integrated Resources System IN
10.	25-Jul-2016	FILED: Defendants James Myers and Myers Revocable Trustee Dated May 12, 1993 Joinder in Defendant's West USA Realty, Inc.'s Motion to Dismiss Appeal for Lack of Jurisdiction; Certificate of Service (Appellee)
11.	28-Jul-2016	RECEIPT No.: 2016-00930 ; $280.00 Applied to: WILLIAM RUSSELL - Class A Filing Fee ($280.00) Paid for: - By WILLIAM RUSSELL
12.	28-Jul-2016	RECEIPT No.: 2016-00937 ; $140.00, Authorization: Ref1:09018246237, Applied to: JAMES MYERS - Class B Filing Fee ($140.00) Paid for: Ivy L Kushner Attorney at Law - By Integrated Resource Systems IN
13.	3-Aug-2016	FILED: Appellee's Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
14.	4-Aug-2016	FILED: Defendants Richard Vairo and Patricia Taylor Joinder in West USA Motion to Dismiss; Certificate of Service (Appellee)
15.	9-Aug-2016	RECEIPT No.: 2016-00984 ; $280.00, Authorization: #21022031616, Applied to: PATRICIA TAYLOR - Class A Filing Fee ($280.00) Paid for: McCarthy Holthus LLP - By Integrated Resource Systems IN
16.	9-Aug-2016	RECEIPT No.: 2016-00987 ; $140.00, Authorization: #21022031616, Applied to: PATRICIA TAYLOR - Class B Filing Fee ($140.00) Paid for: McCarthy Holthus LLP - By Integrated Resource Systems IN (Memo: x-Ref - 2016-00984)
17.	9-Aug-2016	VOID RECEIPT No.: 2016-00984 - $-280.00, Authorization: #21022031616, - Applied to: PATRICIA TAYLOR - Class A Filing Fee ($-280.00) Paid for: McCarthy Holthus LLP - By: Integrated Resource Systems IN VOID Reason: X-Ref 2016-00987 incorrect receivable
18.	9-Aug-2016	ORDERED: Joinder in West USA's Motion to Dismiss Appeal for Lack of Jurisdiction (Appellee) = DENIED. FURTHER ORDERED: case management statement due 08/19/2016. Hon Andrew W Gould - Author
19.	23-Aug-2016	FILED: Motion and Order to Designate Transcripts as Part of Record on Appeal; Certificate of Service (Appellee)
20.	23-Aug-2016	FILED: Reporter's Transcript - 05/13/2015 - Emergency Telephonic Hearing (Melissa Boyd) (Appellee)
21.	23-Aug-2016	FILED: Reporter's Transcript - 09/23/2015 - Oral Argument (Melissa Boyd) (Appellee)
22.	23-Aug-2016	FILED: Reporter's Transcript - 03/04/2016 - Oral Argument (Melissa Boyd) (Appellee)
23.	25-Aug-2016	FILED: Case Management Statement (Appellant Pro Per)
24.	14-Sep-2016	ORDERED: Motion and Order to Designate Transcripts as Part of Record on Appeal (Appellee) = GRANTED/supplementing record on appeal with certified transcripts on 05/13/2015, 09/23/2015, and 03/04/2016 proceedings. Melina Brill ProTem Judge - Author
25.	4-Oct-2016	ORDERED: opening brief due 10/14/2016. In the event the opening brief is not timely filed, the court shall dismiss this appeal. Melina Brill ProTem Judge - Author
26.	14-Oct-2016	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Pro Per)
27.	26-Oct-2016	FILED: Motion to Dismiss Appeal, Extension to Answer and/or for Summary Affirmance; Certificate of Service (Appellee)
28.	27-Oct-2016	ORDERED: vacating the 11/28/2016 due date for answering briefs. The order ruling on the motion to dismiss will set a due date for filing the answering briefs, if the motion to dismiss is denied. Melina Brill ProTem Judge - Author
29.	17-Nov-2016	ORDERED: Denying the request for Oral Argument. FURTHER ORDERED: Denying the Motion to Dismiss appeal. FURTHER ORDERED: Answering Brief due on/before 12/19/16. Hon Diane M Johnsen - Author (Amended per order filed 11/22/2016)
30.	18-Nov-2016	FILED: Motion to Clarify Order Denying Motion to Dismiss; Certificate of Service (Appellee)
31.	22-Nov-2016	ORDERED: denying appellee's request for oral argument. FURTHER ORDERED: amending 11/17/2016 order by deleting the reference to "the response, and reply." FURTHER ORDERED: clarifying the court's 11/17/2016 order as stated in this order. Hon Diane M Johnsen - Author
32.	19-Dec-2016	FILED: Request for Oral Argument; Certificate of Service (Appellee)
33.	19-Dec-2016	FILED: Defendants/Appellees' Answering Brief; Certificate of Compliance; Certificate of Service (Appellees)

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