

Court of Appeals, Division One

Civil Appeal

1 CA-CV 14-0022

OXFORD et al. v. LANDMARC

Appellate Case Information

Case Filed: 10-Jan-2014
Case Closed: 7-Feb-2017

Decision

Dept/Composition

Department B

Hon. Diane M Johnsen
Hon. Kent E Cattani
Hon. John C Gemmill

Consolidated with: 1 CA-CV 14-0516

Side 1. OXFORD INVESTORS PARTNERS, LLC, an Arizona limited liability company; PK HOLDINGS, LLC, RHONDA KAYE SOLHEIM FAMILY TRUST U/A 05/09/77, SPRUCE AVENUE LTD. PARTNERSHIP, LLP, OXTOX HOLDINGS, LLC, and THE 1977 GILL TRUST U/A 12/07/77

, Plaintiff/Appellee-Cross Appellant

(Litigant Group) OXFORD INVESTORS PARTNERS

- Oxford Investors Partners LLC
- PK Holdings LLC
- Rhonda Kaye Solheim Family Trust U/A 05/09/77
- Spruce Avenue Ltd Partnership LLP
- Oxtox Holdings LLC
- 1977 Gill Trust U/A 12/07/77

Attorneys for: Plaintiff/Appellee-Cross Appellants

David N Ramras, Esq. (AZ Bar No. 2826)

Side 2. LANDMARC CAPITAL PARTNERS, LLC, an Arizona limited liability company, Defendant/Appellant-Cross Appellee

(Litigant Group) LANDMARC CAPITAL PARTNERS

- Landmarc Capital Partners LLC

Attorneys for: Defendant/Appellant-Cross Appellee

Kent A Lang, Esq. (AZ Bar No. 10041)
William G Klain, Esq. (AZ Bar No. 15851)
George H King, Esq. (AZ Bar No. 13287)
Russell Piccoli, Esq. (AZ Bar No. 4492)

CASE STATUS

Feb 7, 2017.....Case Closed

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---------------------|---|-------------------|--|-------|-------|
| MAR CV2009-020595 | Application for Appointment of Receiver, Injunction and Order to Show Cause | | Lisa Daniel Flores, Authoring Judge of Order | | |
| MAR CV2009-050052 | | | | | |

CASE DECISION

29-Dec-2016 **MEMORANDUM DECISION**

Kent Cattani.....Author
Diane Johnsen.....Concur
John Gemmill.....Concur

Filed: 29-Dec-2016 Mandate: 07-Feb-2017

| |
|----------------------|
| Decision Disposition |
| Reversed |
| Remanded |

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-CV 14-0516 OXFORD et al. v. LANDMARC

50 PROCEEDING ENTRIES

1. 10-Jan-2014 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 12/03/13
Bond filed in Superior Court: 12/6/13
Docketing Statement filed in Superior Court: 12/17/13; Amended filed 12/23/13

Court of Appeals, Division One**Civil Appeal****1 CA-CV 14-0022****OXFORD et al. v. LANDMARC****50 PROCEEDING ENTRIES**

2. 10-Jan-2014 FILED: e-Record on Appeal (CV2009-020595):
Instruments/Minute Entries
3. 10-Jan-2014 FILED: e-Record on Appeal (CV2009-050052):
Instruments/Minute Entries
4. 21-Jan-2014 FILED: Notice to Counsel re: Appellant's Fee/Brief Due
5. 4-Feb-2014 FILED: Notice of Payment of Appellants Filing Fee; Certificate of Service (Appellant)
6. 7-Feb-2014 RECEIPT No.: 2014-00183 ; \$280.00, Authorization: #37016423350, Applied to: LANDMARC CAPITAL PARTNERS - Class A Filing Fee (\$280.00) Paid for: Lang Baker & Klain PLC - By Integrated Resource Systems IN
7. 14-Feb-2014 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
8. 18-Feb-2014 FILED: Notice of Filing Appellees' Filing Fee; Certificate of Filing and Service of Notice of Filing Filing Fee of Appellees (Appellee)
9. 21-Feb-2014 RECEIPT No.: 2014-00237 ; \$140.00, Authorization: #51012551272, Applied to: OXFORD INVESTORS PARTNERS - Class B Filing Fee (\$140.00) Paid for: David N Ramras - By Integrated Resource Systems
10. 28-Feb-2014 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
11. 3-Mar-2014 FILED: (STRICKEN PER ORDER 9/18/14) Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
12. 3-Mar-2014 FILED: Stipulation for Leave for Appellant to File Replacement Opening Brief; Certificate of Service (Appellant)
13. 7-Mar-2014 ORDERED: accepting the opening brief filed on 3/3/14 in place of the brief filed on 2/28/14. Melina Brill ProTem Judge - Author
14. 11-Mar-2014 FILED: Motion for Award of Attorneys' Fees and Notice of Claim of Entitlement to Award of Attorneys' Fees; Certificate of Service (Appellant)
15. 7-Apr-2014 FILED: Stipulation; Certificate of Filing and Service of Stipulation (Appellee)
16. 8-Apr-2014 ORDERED: extending the time for filing the answering brief to and including 5/19/14. Melina Brill ProTem Judge - Author
17. 1-May-2014 FILED: Stipulation to Stay Briefing Schedule and to Consolidate Appeals; Certificate of Service (Appellee)
18. 8-May-2014 ORDERED: staying this appeal until further order. FURTHER ORDERED: within (10) calendar days after appellant files a notice of appeal from an appealable order memorializing the 4/17/14 ruling, appellant shall file written notice in this appeal, along with a copy of the notice of appeal and the order being appealed. FURTHER ORDERED: appellant shall file a status report on or before 6/9/14, indicating the status of the superior court proceedings. Melina Brill ProTem Judge - Author
19. 6-Jun-2014 FILED: Appellant's Status Report; Certificate of Service (Appellant)
20. 11-Jun-2014 ORDERED: continuing the stay of this appeal for the purposes set forth in this court's 5/8/14 order. FURTHER ORDERED: within 10 calendar days after appellant files a notice of appeal from an acceptable order memorializing the 4/17/14 ruling, appellant shall file written notice in this appeal, along with a copy of the notice of appeal and the order being appealed. FURTHER ORDERED: appellant shall file a status report on or before 7/9/14, indicating the status of the superior court proceedings. Melina Brill ProTem Judge - Author
21. 8-Jul-2014 FILED: Appellant's Status Report; Certificate of Service; Exhibit 1 to Appellant's Status Report; Exhibit 2 to Appellant's Status Report (NOA) (Appellant)
22. 11-Jul-2014 ORDERED: continuing the stay of this appeal. FURTHER ORDERED: within ten calendar days after the appeal is docketed, appellant shall file a motion to consolidate the appeals. FURTHER ORDERED: appellant shall file a status report on or before 8/25/14, if the appellant has not filed a motion to consolidate the appeals. Melina Brill ProTem Judge - Author
23. 25-Aug-2014 FILED: Appellant's Status Report; Certificate of Service (Appellant)
24. 9-Sep-2014 FILED: Stipulation to Consolidate Appeals, Request for Consolidated Briefing Schedule, and Stipulation to Correct Caption of Appeals; Certificate of Service (Appellant)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 14-0022****OXFORD et al. v. LANDMARC****50 PROCEEDING ENTRIES**

25. 18-Sep-2014 ORDERED: consolidating case 1 CA-CV 14-0022 with 1 CA-CV 14-0516. Case no. 1 CA-CV 14-0022 is designated the primary number. FURTHER ORDERED: amending the caption in this consolidated appeal to reflect the proper parties. FURTHER ORDERED: striking the opening brief filed on 3/3/14. FURTHER ORDERED: opening brief in this consolidated appeal shall be filed on or before 10/16/14. Melina Brill ProTem Judge - Author
26. 15-Oct-2014 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
27. 12-Nov-2014 FILED: Appellee's Request for Oral Argument; Certificate of Filing and Service of Request for Oral Argument (Appellee)
28. 12-Nov-2014 FILED: Appellees' Answering Brief and Opening Brief on Cross-Appeal; Appellees' Certificate of Compliance; Certificate of Filing and Service of Appellee's Answering Brief (Appellee)
29. 12-Nov-2014 FILED: Appendix to Appellees' Answering Brief; Certificate of Filing and Service of Appellees' Appendix to Answering Brief (Appellee)
30. 23-Dec-2014 FILED: Stipulation to Extend the Deadline for Landmarc Capital Partners to File Its Response/Reply Brief t January 12, 2015; Certificate of Service (Appellant)
31. 23-Dec-2014 ORDERED: Stipulation to Extend the Deadline for Landmarc Capital Partners to File Its Response/Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 12-29-2014 to Monday, 01-12-2015. FURTHER ORDERED: amending caption by adding "cross-appellants"/"cross-appellee". Melina Brill ProTem Judge - Author
32. 12-Jan-2015 FILED: Appellant's Combined Reply and Answering Brief; Certificate of Compliance; Certificate of Service
33. 13-Jan-2015 FILED: Defendant/Appellant/Cross-Appellee's Request for Oral Argument; Certificate of Service (Appellant)
34. 16-Jan-2015 FILED: Defendant/Appellant/Cross-Appellee's Notice of Supplemental Authority; Certificate of Service
35. 23-Jan-2015 FILED: Appellees\Cross-Appellants' Reply Brief on Cross-Appeal; Appellees\Cross-Appellants' Certificate of Compliance re Reply Brief on Cross-Appeal; Certificate of Filing and Service of Appellees\Cross-Appellants' Reply Brief on Cross-Appeal
36. 23-Jan-2015 FILED: Appellees\Cross-Appellants' Certificate of Compliance re Reply Brief on Cross-Appeal; Certificate of Filing and Service of Certificate of Compliance re Reply Brief on Cross-Appeal
37. 23-Jan-2015 FILED: Certificate of Filing and Service of Appellees'-Cross-Appellants' Reply Brief on Cross-Appeal
38. 13-Feb-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
39. 19-Feb-2015 ORDERED: granting requests for oral argument = GRANTED. Hon Diane M Johnsen - Author
40. 19-Jun-2015 FILED: Notice re Scheduling of Oral Argument; Certificate of Filing and Service of Notice re Scheduling of Oral Argument (Appellees/Cross-Appellants)
41. 19-Jun-2015 FILED: Appellant's Notice of Its Counsel's Unavaialability for Oral Argument Between August 9, 2015 and August 25, 2015; Certificate of Service (Appellant Landmarc Capital)
42. 30-Sep-2015 CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 11-3-15, 10:15 am, COURTROOM 1.
43. 2-Oct-2015 FILED: Notice of Oral Argument
44. 2-Oct-2015 FILED: Return Receipt for Notice of Oral Argument signed by David Ramras on 10/02/15; Certificate Of Filing And Service Of Appellees' Return Receipt For Notice Of Oral Argument (Appellee/Cross-Appellant)
45. 5-Oct-2015 FILED: Return Receipt for Notice of Oral Argument signed by Russell Piccoli on 10/02/15; Certificate of Service (Appellant/Cross-Appellee)
46. 23-Oct-2015 FILED: Appellant's Supplemental Citation of Legal Authority; Certificate of Service
47. 3-Nov-2015 FILED: Sign-in Sheet/Case is Under Advisement (Dept B)
48. 29-Dec-2016 MEMORANDUM DECISION (Reversed, Remanded) Hon Kent E Cattani - Author; Hon Diane M Johnsen - Concur; Hon John C Gemmill - Concur
49. 29-Dec-2016 FILED: Memorandum Decision Distribution List
50. 7-Feb-2017 FILED: Mandate, No record returned to superior court.