Court of Appeals, Division One

Civil Appeal

1 CA-CV 14-0150 SARDIUS et al. v. APT 4891

Appellate Case Information

Case Filed: 13-Mar-2014

Case Closed:

Dept/Composition

Side 1. SARDIUS GROUP, LLC, a Utah limited liability company; RIDGELINE FINANCIAL, LLC, a Wyoming limited liability company; MAURICE A. GILBERT, a single man, Plaintiff/Appellant

(Litigant Group) SARDIUS GROUP et al.

- **Sardius Group LLC**
- **Ridgeline Financial LLC**
- **Maurice A Gilbert**

Attorneys for: Plaintiffs/Appellants

R Harvey Dye, Esq. (AZ Bar No. 2184)

Side 2. APT 4891, LLC, a Delaware limited liability company, Defendant/Appellee

(Litigant Group) APT 4891 LLC

- **Apt 4891 LLC**

Attorneys for: Defendant/Appellee

Jacob A Maskovich, Esq. (AZ Bar No. 21920)

CASE STATUS

Feb 16, 2017....Decision Rendered

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2013-054936	Declaratory Judgment; Breach of Contract; Injunction		Alfred M Fenzel, Authoring Judge of Order		

2 OPEN DUE DATES

Motion for Reconsideration due **Due By:** Friday, March 3, 2017

Re: ORDERED: terminating stay of this appeal entered by this court on 04/29/2014. FURTHER ORDERED: dismissing this appeal, parties to bear their own costs and attorneys' fees. Melina Brill ProTem Judge - Author

Petition for Review to ASC due **Due By:** Monday, March 20, 2017

Re: ORDERED: terminating stay of this appeal entered by this court on 04/29/2014. FURTHER ORDERED: dismissing this appeal, parties to bear their own costs and attorneys' fees. Melina Brill ProTem Judge - Author

CALENDAR

Friday MOTION CALENDAR

17-Feb-2017 **Department M;**

File date: 1/24/2017..... Motion to Dismiss (Voluntarily) (Appellant)

DECISION RENDERED: See proceeding entry for ORDER dated 16-Feb-2017 for more information...

CASE DECISION

16-Feb-2017 **ORDER**

ORDERED: terminating stay of this appeal entered by this court on 04/29/2014. FURTHER ORDERED: dismissing this appeal, parties to bear their own costs and attorneys' fees.

Filed: **16-Feb-2017** Mandate:

Decision Disposition
Dismissed

Melina Brill..... Author

39 PROCEEDING ENTRIES

1. 13-Mar-2014 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/03/14
Bond filed in Superior Court: 2/4/14
Docketing Statement filed in Superior Court: 2/7/14

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

39 PROCEEDING ENTRIES

2.	13-Mar-2014	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3.	18-Mar-2014	FILED: Notice to Counsel re: Appellant's Fee/Brief Due
4.	1-Apr-2014	FILED: Notice of Payment of Appellants' Filing Fee; Certificate of Service (Appellant)
5.	4-Apr-2014	RECEIPT No.: 2014-00402 ; $280.00, Authorization: #93017482809, Applied to: SARDIUS GROUP et al. - Class A Filing Fee ($280.00) Paid for: R Harvey Dye PLC - By Integrated Resource Systems IN
6.	7-Apr-2014	FILED: Motion for Extension of Time to File Opening Brief (Motion for Procedural Motion Order); Certificate of Service (Appellant)
7.	8-Apr-2014	FILED: Reporter's Transcript - 12/16/13 (Court Reporter Kim Hannan)
8.	10-Apr-2014	ORDERED: directing appellee and appellants to each file written notice of the status of bankruptcy court proceedings on or before 4/24/14. FURTHER ORDERED: extending the time for filing the opening brief until after the court receives the status reports. Melina Brill ProTem Judge - Author
9.	23-Apr-2014	FILED: Notice of the Status of the Bankruptcy Court Proceeding; Certificate of Service; Exhibit 1 (Appellee)
10.	24-Apr-2014	FILED: Appellants' Status Report; Certificate of Service (Appellant)
11.	25-Apr-2014	RECEIPT No.: 2014-00473 ; $140.00, Authorization: #14009126448, Applied to: APT 4891 LLC - Class B Filing Fee ($140.00) Paid for: Bryan Cave LLP - By Integrated Resource Systems IN
12.	29-Apr-2014	ORDERED: staying this appeal until further order. FURTHER ORDERED: within ten calendar days after a decision in the bankruptcy appeal, appellants shall file a written notice of the decision in this appeal, along with a copy of the decision, and indicate whether they will pursue this appeal. FURTHER ORDERED: appellant shall file a status report on or before 7/30/14, indicating the status of the bankruptcy appeal. Melina Brill ProTem Judge - Author
13.	7-May-2014	FILED: Notice of Dismissal of Bankruptcy; Certificate of Service (Appellee)
14.	16-May-2014	FILED: Appellants' Interim Report on Status of Bankruptcy; Certificate of Service (Appellant)
15.	16-Jun-2014	ORDERED: continuing the stay of this appeal. FURTHER ORDERED: within ten days after a decision in the bankruptcy appeal, appellants shall file written notice of the decision in this appeal. FURTHER ORDERED: appellants shall file a status report on or before 7/16/14, indicating the status of the bankruptcy appeal. Melina Brill ProTem Judge - Author
16.	16-Jul-2014	FILED: Appellants' Report on Status of Bankruptcy Appeal; Certificate of Service (Appellant)
17.	22-Jul-2014	ORDERED: directing counsel for appellants to advise this court within ten calendar days of any decision in the bankruptcy appeal. FURTHER ORDERED: directing counsel for appellants to file written notice with this court of the status of the bankruptcy appeal on or before 9/19/14. Melina Brill ProTem Judge - Author
18.	22-Sep-2014	FILED: Appellants' Report on Status of Bankruptcy Appeal; Certificate of Service (Appellant)
19.	25-Sep-2014	ORDERED: continuing the stay of the appeal. FURTHER ORDERED: directing counsel for appellants to advise this court within ten days of any decision in the bankruptcy appeals. FURTHER ORDERED: directing counsel for appellants to file written notice with this court of the status of the bankruptcy appeals on or before 12/19/14. Melina Brill ProTem Judge - Author
20.	19-Dec-2014	FILED: Appellants' Report on Status of Bankruptcy Appeal; Certificate of Service
21.	22-Dec-2014	ORDERED: continuing stay of appeal. FURTHER ORDERED: counsel for appellants to advise court w/in 10 days any decision in bankruptcy appeals. FURTHER ORDERED: counsel for appellants to file written notice re status of bankruptcy on/before 4/20/15. Melina Brill ProTem Judge - Author
22.	5-Feb-2015	FILED: Appellants' Report on Status of Bankruptcy Appeal; Certificate of Service (Appellant)
23.	4-Mar-2015	ORDERED: continuing stay of appeal. FURTHER ORDERED: W/in 10 calendar days after court decision concerning 1st appeal or additional bankruptcy proceedings that occur after remand in 2nd appeal, appellants shall file written notice of decision. FURTHER ORDERED: Appellants to file written notice on/before 5/4/15, re: bankruptcy status. Melina Brill ProTem Judge - Author

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39 PROCEEDING ENTRIES

24.	4-May-2015	FILED: Appellant's Report on Status of Bankruptcy Appeal; Certificate of Service (Appellant)
25.	29-May-2015	ORDERED: continuing stay of appeal. FURTHER ORDERED: w/in 10 days after any court decision concerning either first or second appeal, appellants shall file written notice along w/ copy of decision and indicate whether they will purse appeal. FURTHER ORDERED: Directing appellants to file written notice on/before 11/4/15, concerning status of all bankruptcy proceedings. Melina Brill ProTem Judge - Author
26.	8-Jun-2015	FILED: Appellants' Report on Status of Bankruptcy Appeal; Certificate of Service (Appellant)
27.	10-Jun-2015	FILED: Appellants' Report on Status of Bankruptcy Appeal (Amended); Certificate of Service (Appellant)
28.	18-Jun-2015	ORDERED: continuing stay of appeal. FURTHER ORDERED: W/in 10 calendar days after any court decision concerning Mr.. Gilbert's bankruptcy proceedings, appellants shall file a written notice of decision in this appeal, along w/ a copy of decision, and indicate whether they will pursue this appeal. FURTHER ORDERED: Directing appellants to file written notice on/before 11/4/15, concerning status of all bankruptcy proceedings. Melina Brill ProTem Judge - Author
29.	3-Nov-2015	FILED: Appellant's Report on Status of Bankruptcy Appeal; Certificate of Service (Appellant)
30.	24-Nov-2015	ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: Within 10 calendar days after any court decision concerning Gilbert's bankruptcy proceedings, appellants shall file written notice of the decision in this appeal, along with a copy of the decision, and indicate whether they will pursue this appeal. FURTHER ORDERED: Directing appellants to file written notice on or before 4/1/16 concerning the status of the bankruptcy proceedings. Melina Brill ProTem Judge - Author
31.	4-Feb-2016	FILED: Appellants' Report on Status of Bankruptcy Appeal; Certificate of Service (Appellant)
32.	29-Feb-2016	ORDERED: Appellants' Report on Status of Bankruptcy Appeal (Appellant) = GRANTED/continuing stay of appeal. FURTHER ORDERED: Within 10 calendar days after any court decision concerning Mr. Gilbert's bankruptcy proceedings, appellants shall file a written notice of decision in this appeal and indicate whether they will pursue this appeal. FURTHER ORDERED: Appellants to file written notice on/before 6/28/16, concerning status of all bankruptcy proceedings. Barbara Vidal Vaught ProTem Judge - Author
33.	28-Jun-2016	FILED: Appellants Report on Status of Bankruptcy Appeals; Certificate of Service (Appellant)
34.	20-Jul-2016	ORDERED: continuing stay of this appeal. FURTHER ORDERED: appellants shall file written notice on/before 11/18/2016, concerning status of all bankruptcy proceedings. Melina Brill ProTem Judge - Author
35.	18-Nov-2016	FILED: Appellants Report on Status of Bankruptcy Appeals; Certificate of Service (Appellant)
36.	13-Dec-2016	ORDERED: continuing the stay of this appeal. FURTHER ORDERED: within 10 calendar days after any court decision concerning Mr. Gilbert's bankruptcy proceedings, appellants shall file written notice of decision in this appeal, along with a copy of the decision, and indicate whether they will pursue this appeal. FURTHER ORDERED: written notice due 03/20/2017, concerning status of all bankruptcy proceedings. Melina Brill ProTem Judge - Author
37.	30-Dec-2016	FILED: Appellants Report on Status of Bankruptcy Appeals; Certificate of Service (Appellant)
38.	24-Jan-2017	FILED: Motion to Dismiss (Voluntarily); Certificate of Service; Order of Dismissal (Appellant)
39.	16-Feb-2017	ORDERED: terminating stay of this appeal entered by this court on 04/29/2014. FURTHER ORDERED: dismissing this appeal, parties to bear their own costs and attorneys' fees. Melina Brill ProTem Judge - Author

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