# Court of Appeals, Division One

## Civil Appeal

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

**Appellate Case Information**

Case Filed: 11-Aug-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 14-0022

**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, Appellee/Cross-Appellant**

**(Litigant Group) OXFORD INVESTORS et al.**

- **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: Appellees/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**

**Co-Counsel 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 14-0022** OXFORD et al. v. LANDMARC

## 35 PROCEEDING ENTRIES

1. 11-Aug-2014 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/03/14 (Defs); Notice of Cross Appeal from Maricopa County Superior Court filed 7/13/14 (Oxford)
Bond filed in Superior Court: 7/9/14
Docketing Statement filed in Superior Court: 7/18/14



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

**35 PROCEEDING ENTRIES**

| | | |
|---|---|---|
| 2. | 11-Aug-2014 | FILED: e-Record on Appeal (CV2009-020595): Instruments/Minute Entries |
| 3. | 11-Aug-2014 | FILED: e-Record on Appeal (CV2009-050052): Instruments/Minute Entries |
| 4. | 19-Aug-2014 | FILED: Notice to Counsel re: Appellant/Cross Appellee's Fee/Brief Due |
| 5. | 21-Aug-2014 | FILED: Notice of Payment of Appellant's Filing Fee; Certificate of Service (Appellant) |
| 6. | 26-Aug-2014 | RECEIPT No.: 2014-01070 ; $280.00, Authorization: #37019707336, Applied to: LANDMARC CAPITAL PARTNERS - Class A Filing Fee ($280.00) Paid for: Lang Baker & Klain PLC - By Integrated Resource Systems |
| 7. | 2-Sep-2014 | FILED: Appellee's Notice re: X Appellant's Fee Due/Appellant's Brief Due |
| 8. | 4-Sep-2014 | FILED: Notice of Filing Cross Appellants' Filing Fee; Certificate of Filing and Service of Notice of Filing Cross Appellants' Filing Fee (Cross-Appellant) |
| 9. | 9-Sep-2014 | RECEIPT No.: 2014-01112 ; $280.00, Authorization: Ref# 51023625221, Applied to: OXFORD INVESTORS et al. - Class A Filing Fee ($280.00) Paid for: David N Ramras - By Intresys Inc |
| 10. | 10-Sep-2014 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 11. | 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 |
| 12. | 15-Oct-2014 | FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant) |
| 13. | 12-Nov-2014 | FILED: Appellee's Request for Oral Argument; Certificate of Filing and Service of Request for Oral Argument (Appellee) |
| 14. | 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) |
| 15. | 12-Nov-2014 | FILED: Appendix to Appellees' Answering Brief; Certificate of Filing and Service of Appellees' Appendix to Answering Brief (Appellee) |
| 16. | 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) |
| 17. | 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 |
| 18. | 13-Jan-2015 | FILED: Defendant/Appellant/Cross-Appellee's Request for Oral Argument; Certificate of Service (Appellant) |
| 19. | 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 |
| 20. | 23-Jan-2015 | FILED: Certificate of Filing and Service of Appellees'-Cross-Appellants' Reply Brief on Cross-Appeal |
| 21. | 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 |
| 22. | 13-Feb-2015 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |
| 23. | 19-Feb-2015 | ORDERED: granting requests for oral argument = GRANTED. Hon Diane M Johnsen - Author |
| 24. | 23-Feb-2015 | FILED: Supplemented Superior Court e-Record with Revised Index of Record (including ME signed 1/23/15 filed 1/27/15 re: settlement agreement and ME signed 2/19/15 filed 2/23/15) |
| 25. | 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) |



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**35 PROCEEDING ENTRIES**

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|---|---|---|
| 26. | 25-Jun-2015 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 27. | 30-Sep-2015 | CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 11-3-15, 10:15 am, COURTROOM 1. |
| 28. | 2-Oct-2015 | FILED: Notice of Oral Argument |
| 29. | 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) |
| 30. | 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) |
| 31. | 23-Oct-2015 | FILED: Appellant's Supplemental Citation of Legal Authority; Certificate of Service |
| 32. | 3-Nov-2015 | FILED: Sign-in Sheet/Case is Under Advisement (Dept B) |
| 33. | 29-Dec-2016 | MEMORANDUM DECISION (Reversed, Remanded) Hon Kent E Cattani - Author; Hon Diane M Johnsen - Concur; Hon John C Gemmill - Concur |
| 34. | 29-Dec-2016 | FILED: Memorandum Decision Distribution List |
| 35. | 7-Feb-2017 | FILED: Mandate, No record returned to superior court. |



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