

Court of Appeals, Division One

Civil Appeal

1 CA-CV 14-0573

CITIMORTGAGE v. PILAT

Appellate Case Information

Case Filed: 15-Sep-2014
Case Closed:

Dept/Composition

Department A
Hon. Kenton D Jones
Hon. Patricia K Norris
Hon. Paul J McMurdie

Side 1. CITIMORTGAGE, INC., a New York corporation, Plaintiff/Appellee
(Litigant Group) CITIMORTGAGE, INC

Citimortgage Inc

Attorneys for: Plaintiff/Appellee

Leonard J McDonald, Jr, Esq. (AZ Bar No. 14228)
Kevin P Nelson, Esq. (AZ Bar No. 23381)
Michael J Rogers, Esq. (AZ Bar No. 30592)

Side 2. PETER M. PILAT and SHEILA PILAT, Defendant/Appellant
(Litigant Group) PETER M. PILAT/SHEILA PILAT

Peter M Pilat PRO SE
Sheila Pilat PRO SE

CASE STATUS

Jan 31, 2017....Under Advisement

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR CV2010-016616, Quiet Title; Slander of Title; Declaratory Judgment; Foreclosure on Deed of Trust, Katherine M Cooper, Authoring Judge of Order.

CALENDAR

Tuesday MONTHLY COURT CASE CALENDAR
31-Jan-2017 Department A; COURTROOM 1

PENDING MATTER

General Motion

Filed: 4-Mar-2016

\* Motion for Procedural Order to Substitute Party and Amend Caption (Appellant)

78 PROCEEDING ENTRIES

- 1. 15-Sep-2014 RECEIPT No.: 2014-01137 ; \$280.00, Check Number: #1097, Applied to: PETER M. PILAT - Class A Filing Fee (\$280.00) Paid for: PETER M. PILAT - By PETER M. PILAT
2. 15-Sep-2014 FILED: Emergency Defendants/Appellants' Ex Parte Motion for Hearing to Determine the Amount of Supersedeas Bond for the Stay Upon Appeal (Appellant Pro Per)
3. 16-Sep-2014 ORDERED: staying the sheriff's sale scheduled for 9/18/14, until the superior court has issued its ruling as to "Defendant/Appellants' Ex Parte Motion for Hearing Pursuant to Rule 7(a) (1), ARCAP to Determine the Amount of the Supersedeas Bond for the Stay Upon Appeal" (filed in the Maricopa County Superior Court on 9/10/14), and the time for posting a supersedeas bond has expired. Hon Michael J Brown - Author
4. 6-Oct-2014 FILED: e-Record on Appeal: Instruments/Minute Entries
5. 6-Oct-2014 FILED: Index of Record, Notice of Appeal filed in Maricopa County Superior Court on 8/28/14 Bond Filed in Superior Court: None (Affidavits in Lieu of Bond filed 8/28/14) Docketing Statement Filed in Superior Court: 9/12/14
6. 20-Oct-2014 FILED: Notice to Counsel re: Appellee's Fee/Brief Due

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 14-0573****CITIMORTGAGE v. PILAT****78 PROCEEDING ENTRIES**

7. 3-Nov-2014 RECEIPT No.: 2014-01365 ; \$140.00, Check Number: #50303, Applied to: CITIMORTGAGE, INC - Class B Filing Fee (\$140.00)  
Paid for: - By Tiffany & Bosco PA
8. 17-Nov-2014 FILED: Defendants/Appellants Motion For Extension Of Time To File Brief (Opening); Certificate of Service (Appellant)
9. 19-Nov-2014 ORDERED: Per Eaton Fruit, appeal stayed to/incl. 1/5/15. Opening Brief due 2/5/15. Melina Brill ProTem Judge - Author
10. 24-Nov-2014 FILED: Defendants/Appeants' Notice of Superior Court Ruling Granting Defendants Motion for Signed Final Orders; Certificate of Service (Appellant)
11. 15-Dec-2014 FILED: Supplemented Superior Court e-Record with Revised Index of Record
12. 16-Dec-2014 FILED: Notice of Filing the Signed Final Order Necessary to Reinstate the Instant Appeal; Certificate of Service (Appellants)
13. 29-Dec-2014 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Appeal filed 12/21/14 and Amended Notice of Appeal filed 12/18/14 and Amended civil Appeal Docketing Statement filed on 12/18/14)
14. 10-Jan-2015 FILED: Defendant/Appellant Peter M. Pilat's Notice of Chapter 13 Bankruptcy Filing; Certificate of Service (Appellant)
15. 13-Jan-2015 ORDERED: staying this appeal until further order. FURTHER ORDERED: Directing appellants to advise this court w/in 10 days of bankruptcy court order terminating stay or dismissing bankruptcy case and to file written notice w/ this court re: status of bankruptcy proceedings on/before 7/13/15. Failure to comply w/ this order may result in sanctions. Melina Brill ProTem Judge - Author
16. 4-Feb-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Peter M Pilat's Notice of Chapter 13 Bankruptcy Filing)
17. 1-Apr-2015 FILED: Notice Re: Status of Bankruptcy Proceedings; Certificate of Service (Appellee)
18. 6-Apr-2015 FILED: Defendant/Appellant Peter M. Pilat's Notice of Bankruptcy Court Order Terminating the Automatic Stay; Certificate of Service (Appellant)
19. 7-Apr-2015 ORDERED: terminating stay of appeal entered by this court on 01-13-2015. FURTHER ORDERED: Opening brief due on/before Friday, 05-08-2015. Melina Brill ProTem Judge - Author
20. 8-May-2015 FILED: Defendants/Appellants' Motion to Hold This Appeal in Abeyance; Certificate of Service (Appellant)
21. 13-May-2015 FILED: Defendant/Appellant Sheila Pilat's Notice of Chapter 13 Bankruptcy Filing; Certificate of Service (Appellant)
22. 19-May-2015 ORDERED: (Notice of Chapter 13 Bankruptcy Filing) staying this appeal until further notice. FURTHER ORDERED: Directing appellants to advise this court w/in 10 days of any bankruptcy court order terminating stay or dismissing bankruptcy case and to file written notice w/ this court of status of bankruptcy proceedings on/before 11/18/15. Melina Brill ProTem Judge - Author
23. 21-Jul-2015 FILED: Defendant/appellant Sheila Pilat's Notice Of Bankruptcy Court Order Terminating The Automatic Stay; Certificate of Service (Appellant)
24. 21-Jul-2015 FILED: Ex Parte Defendants/Appellants' Motion to Deconsolidate Appeals; Certificate of Service (Appellant)
25. 23-Jul-2015 FILED: Defendants/Appellants' Motion for Extension of Time to File Brief (Opening); Certificate of Service (Appellant)
26. 27-Jul-2015 ORDERED: Defendants/Appellants' Motion for Extension of Time to File Brief (Appellant) = DENIED. Melina Brill ProTem Judge - Author
27. 27-Aug-2015 ORDERED: Defendant/appellant Sheila Pilat's Notice Of Bankruptcy Court Order Terminating The Automatic Stay (Appellant) = GRANTED/terminating stay of this appeal entered by this court on 5/19/15. FURTHER ORDERED: Ex Parte Defendants/Appellants' Motion to Deconsolidate Appeals (Appellant) = DENIED. FURTHER ORDERED: Opening brief shall be filed on/before 9/28/15. Melina Brill ProTem Judge - Author
28. 10-Sep-2015 FILED: Emergency Defendants/Appellants' Motion to Reinstate Stay Entered by this Court on 9/16/2014 and to Revest Jurisdiction in the Superior Court for a Hearing Pursuant to ARCAP 9.1 and 7; Certificate of Service (Appellant)
29. 11-Sep-2015 ORDERED: (Court has received Defendants/Appellants' Motion to Reinstate Stay) directing appellee to file a response to motion on/before 9/18/15. Hon Maurice Portley - Author

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 14-0573****CITIMORTGAGE v. PILAT****78 PROCEEDING ENTRIES**

30. 18-Sep-2015 FILED: Response to Defendants/Appellants' Motion to Reinstate Stay Entered by This Court on 9/16/2014 and to Revest Jurisdiction in the Superior Court for a Hearing Pursuant to ARCP 9.1 and 7; Certificate of Service (Appellee)
31. 21-Sep-2015 FILED: Reply to MRH'S Response to Defendants/Appellants Motion to Reinstate Stay Entered by This Court on 9/16/2014 and to Revest Jurisdiction in the Superior Court for a Hearing Pursuant to ARCAP 9.1 and 7 (Appellant Pro Per)
32. 22-Sep-2015 ORDERED: Emergency Defendants/Appellants' Motion to Reinstate Stay Entered by this Court on 9/16/2014 and to Revest Jurisdiction in the Superior Court for a Hearing Pursuant to ARCAP 9.1 and 7 (Appellant) = GRANTED/staying sheriff's sale scheduled for 9/24/15, to allow superior court to reconsider appellants' "Ex Parte Motion for Hearing Pursuant to Rule 7(a) (1), ARCAP to Determine Amount of Supersedeas Bond for Stay upon Appeal". Hon Maurice Portley - Author
33. 23-Sep-2015 RECEIPT No.: 2015-01325 ; \$140.00, Authorization: ref1: 65010320378, Applied to: CITIMORTGAGE, INC - Overpayment Class B (\$140.00) Paid for: Tiffany & Bosco PA - By Intresys Inc (Memo: Overpymt Ref 2014-01365 refund needed)
34. 28-Sep-2015 FILED: Defendants/Appellants' Motion to Hold This Appeal in Abeyance or, in the Alternative Motion for Extension of Time to File Appellants' Opening Brief; Certificate of Service (Appellant)
35. 28-Sep-2015 FILED: Appellants Motion for Leave to Exceed 14,000 Word Limit, and File an Oversize Opening Brief; Certificate of Service (Appellant)
36. 30-Sep-2015 ORDERED: (Court has considered appellants' "Motion to Hold this Appeal in Abeyance or, in the alternative, Motion for Extension of Time to File Appellants' Opening Brief") = GRANTED in part and vacating 9/28/15 due date for opening brief. Order ruling on motion to hold appeal in abeyance will set a due date for filing opening brief. Melina Brill ProTem Judge - Author
37. 6-Oct-2015 FILED: Letter, 10/06/15, from Court to Appellee, returning duplicate filing fee
38. 12-Oct-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
39. 19-Oct-2015 FILED: Response to Appellants' Motion to Hold Appeal in Abeyance and Response to Appellants' Motion to Exceed 14,000 word limit; Certificate of Service (Appellee)
40. 2-Nov-2015 FILED: Reply to MRH Sub I, LLC's Resposne to Motion to Hold This Appeal in Abeyance, Reply to Mrh Sub I, LLC's Response to Motion to Exceed 14,000 Work Limit; Certificate of Service (Appellant)
41. 10-Nov-2015 FILED: Defendants/ Appellants' Motion to Revest Jurisdiction in the Superior Court Pursuant to ARCAP 3(b) or for Determination Regarding Finality of Judgment; Certificate of Service (Appellant)
42. 13-Nov-2015 ORDERED: Defendants/ Appellants' Motion to Revest Jurisdiction in the Superior Court Pursuant to ARCAP 3(b) or for Determination Regarding Finality of Judgment (Appellant) = DENIED. Melina Brill ProTem Judge - Author
43. 16-Nov-2015 ORDERED: denying appellants motion to hold appeal in abeyance. FURTHER ORDERED: Denying appellants' motion for leave to exceed word limit. Opening brief shall comply with ARCAP 14 (a) (1). FURTHER ORDERED: Opening brief shall be filed on/before 12/16/15. Hon Michael J Brown - Author
44. 6-Dec-2015 FILED: Revised Appellants' Motion for Leave to Exceed 14,000 Word Limit, and File and Oversize Opening Brief; Certificate of Service (Appellant)
45. 16-Dec-2015 FILED: Defendants/Appellants' Motion for Five Day Extension of Time to File Appellants Opening Brief; Certificate of Service (Appellant)
46. 21-Dec-2015 ORDERED: Defendants/Appellants' Motion for Five Day Extension of Time to File Appellants Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 12-16-2015 to Monday, 12-21-2015. Melina Brill ProTem Judge - Author
47. 21-Dec-2015 FILED: Appellant's (sic) Opening Brief; Certificate of Compliance; Certificate of Service (Appellants Pro Per)
48. 21-Dec-2015 FILED: Appendix to Appellant's (sic) Opening Brief (Appellants Pro Per)
49. 28-Dec-2015 ORDERED: Denying Revised Appellants' Motion for Leave to Exceed 14,000 Word Limit, and File and Oversize Opening Brief as moot. Hon Michael J Brown - Author
50. 22-Jan-2016 FILED: Unopposed Rule 6(b) Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 14-0573****CITIMORTGAGE v. PILAT****78 PROCEEDING ENTRIES**

51. 22-Jan-2016 ORDERED: Unopposed Rule 6(b) Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 02-08-2016 to Wednesday, 02-24-2016. Barbara Vidal Vaught ProTem Judge - Author
52. 22-Feb-2016 FILED: Unopposed Rule 6(b) Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
53. 23-Feb-2016 ORDERED: Unopposed Rule 6(b) Motion for Extension of Time to File Answering Brief (Appellee) = DENIED. FURTHER ORDERED: Answering brief shall be filed on/before 3/4/16. If not filed timely, court shall submit this appeal for decision on record and opening brief. Barbara Vidal Vaught ProTem Judge - Author
54. 4-Mar-2016 FILED: Motion for Procedural Order to Substitute Party and Amend Caption; Certificate of Service (Appellant)
55. 4-Mar-2016 FILED: Notice of Substitution of Counsel; Certificate of Service (Appellee)
56. 4-Mar-2016 FILED: Plaintiff/Appellee MRH SUB I, LLC's, As Successor-In-Interest to CitiMortgage, Inc., Answering Brief; Certificate of Compliance; Certificate of Service
57. 4-Mar-2016 FILED: Appendix A (Appellant)
58. 18-Mar-2016 FILED: Defendants/Appellants' Response In Opposition To MRH SUB I, LLC's Motion For Procedural Order To Substitute Party And Amend Caption; Certificate of Service (Appellant)
59. 29-Mar-2016 FILED: Defendants/Appellants Motion for Procedural Order for Extension of Time to File the Reply Brief According to ARCAP 6(b)(1)(a); Certificate of Service (Appellant)
60. 29-Mar-2016 FILED: Reply in Support of the Motion for Procedural Order to Substitute Party and Amend Caption; Certificate of Service (Appellee)
61. 31-Mar-2016 ORDERED: Defendants/Appellants Motion for Procedural Order for Extension of Time to File the Reply Brief According to ARCAP 6(b)(1)(a); (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 03-29-2016 to Monday, 04-18-2016. Barbara Vidal Vaught ProTem Judge - Author
62. 31-Mar-2016 ORDERED: deferring a ruling on motion (to substitute party and amend caption) until after this appeal is assigned to a panel of this court for consideration on merits. Barbara Vidal Vaught ProTem Judge - Author
63. 18-Apr-2016 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellants Pro Per) (vacated per order filed on 5/5/16 - rsl)
64. 20-Apr-2016 FILED: Notice of Errata; Certificate of Service (submitted with Notice of Errata) (Appellants Pro Per)
65. 20-Apr-2016 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (submitted with Appellants' Reply Brief) (Appellants Pro Per)
66. 26-Apr-2016 ORDERED: staying this appeal until court issues a jurisdiction determination in consolidated Case No. 1 CA-CV 15-0047 Melina Brill ProTem Judge - Author
67. 27-Apr-2016 FILED: Request for Oral Argument; Certificate of Service (Appellee)
68. 3-May-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
69. 4-May-2016 FILED: Notice of Non-Opposition to Notice of Errata; Certificate of Service (Appellee)
70. 5-May-2016 ORDERED: Notice of Errata (Re: Reply Brief) (Appellants Pro Per) = GRANTED/accepting reply brief filed on 4/20/16, in place of reply brief filed on 4/18/16. Melina Brill ProTem Judge - Author
71. 11-May-2016 ORDERED: Request for Oral Argument (Appellee) = DENIED. Hon Michael J Brown - Author
72. 13-May-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
73. 28-Jul-2016 ORDERED: terminating stay of appeal. FURTHER ORDERED: appeal will be scheduled for consideration on the merits. Melina Brill ProTem Judge - Author

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 14-0573**

**CITIMORTGAGE v. PILAT**

**78 PROCEEDING ENTRIES**

74. 3-Sep-2016 FILED: Defendant/Appellant Peter M. Pilat's Courtesy Notice of Chapter 13 Bankruptcy Filing, The Bankruptcy Filing Does Not Affect This Appeal; Certificate of Service (Appellant)
75. 27-Sep-2016 ORDERED: staying appeal until further order of this court. FURTHER ORDERED: directing appellants to obtain an order from the bankruptcy court authorizing appeal to proceed and to file such order in this court on/before 11/28/2016. If appellants fail to obtain an order, appellants shall file a status report on/before 11/28/2016, indicating why they are unable to obtain such order. Melina Brill ProTem Judge - Author
76. 9-Nov-2016 FILED: Notice Confirming the Absence of the Automatic Bankruptcy Stay; Certificate of Service (Appellant)
77. 10-Nov-2016 ORDERED: terminating stay of this appeal entered by this court on 09/27/2016. FURTHER ORDERED: clerk of this court shall schedule this appeal for consideration on the merits on the next available calendar. Melina Brill ProTem Judge - Author
78. 30-Dec-2016 CLNDR: CONFERENCE, Department A, 1-31-17, COURTROOM 1.