Court of Appeals, Division One

Civil Appeal

1 CA-CV 14-0815 VAZIRANI et al. v. ANNEXUS et al.

Appellate Case Information

Case Filed: 19-Dec-2014

Case Closed:

Dept/Composition

Department A

Hon. Kent E Cattani
Hon. Donn Kessler
Hon. Lawrence F Winthrop

Side 1. ANIL VAZIRANI, an individual, SECURED FINANCIAL SOLUTIONS, LLC, an Arizona limited liability company, Plaintiff/Appellant-Cross Appellee

(Litigant Group) ANIL VAZIRANI/SECURED FINANCIAL

- **Anil Vazirani**
- **Secured Financial Solutions LLC**

Attorneys for: Plaintiff/Appellant-Cross Appellee
David G Bray, Esq. (AZ Bar No. 14346)
Todd A Baxter, Esq. (AZ Bar No. 24660)

Side 2. ANNEXUS DISTRIBUTORS AZ, LLC, an Arizona limited liability company; RONALD L. SHURTS, an individual; ADVISORS EXCEL, LLC, a Kansas limited liability company; CREATIVE ONE MARKETING CORPORATION, a Kansas corporation, Defendant/Appellee-Cross Appellant

(Litigant Group) ANNEXUS DISTRIBUTORS et al.

- **Annexus Distributors AZ LLC**
- **Ronald L Shurts**

Attorneys: Defendants/Appellees/Cross-Appellants
Rodolfo Parga, Jr, Esq. (AZ Bar No. 15514)
Clarke H Greger, Esq. (AZ Bar No. 2044)
Andrea G Lovell, Esq. (AZ Bar No. 19882)

(Litigant Group) ADVISORS EXCEL

- **Advisors Excel LLC**

Attorney for: Defendant/Appellee/Cross-Appellant
Garrett J Olexa, Esq. (AZ Bar No. 16685)

(Litigant Group) CREATIVE ONE MARKETING

- **Creative One Marketing Corporation**

Attorneys for: Defendant/Appellee/Cross-Appellant
Michael L Parrish, Esq. (AZ Bar No. 15956)
Brandon R Nagy, Esq. (AZ Bar No. 30993)

CASE STATUS

Feb 2, 2017.....Decision Rendered

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2009-010331	Tortious Interference with Contract; [see file]		David O Cunanan, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-17-0067-PR

3 OPEN DUE DATES

Motion for Reconsideration due — **Due By:** Friday, February 17, 2017

Re: MEMORANDUM DECISION (Affirmed in Part, Reversed in Part, Remanded) Hon Donn Kessler - Author; Hon Kent E Cattani - Concur; Hon Lawrence F Winthrop - Concur

Response to Costs due — **Due By:** Monday, February 27, 2017

Re: FILED: Annexus Defendants' Application for Costs; Certificate of Service (Appellee)

Petition for Review to ASC due — **Due By:** Monday, March 6, 2017

Re: MEMORANDUM DECISION (Affirmed in Part, Reversed in Part, Remanded) Hon Donn Kessler - Author; Hon Kent E Cattani - Concur; Hon Lawrence F Winthrop - Concur

3 PENDING MATTERS

General Motion — Filed: 18-Aug-2016

Appellee Advisors Excel, LLC's Application for Costs (Appellee)

General Motion — Filed: 18-Aug-2016

Appellee Creative One Marketing's Application for Costs; Certificate of Service (Appellee)

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

Court of Appeals, Division One

Civil Appeal

1 CA-CV 14-0815 VAZIRANI et al. v. ANNEXUS et al.

3 PENDING MATTERS

General Motion Filed: 7-Feb-2017

Annexus Defendants' Application for Costs; Certificate of Service (Appellee)

2 CASE DECISIONS

09-Aug-2016 MEMORANDUM DECISION

Withdrawn
withdrawn per order filed 02/02/2017

Donn Kessler.....Author
Kent Cattani.....Concur
Lawrence Winthrop.....Concur

Filed: **09-Aug-2016** Mandate:

Decision Disposition
Affirmed in Part
Reversed in Part
Remanded

02-Feb-2017 MEMORANDUM DECISION

Donn Kessler.....Author
Kent Cattani.....Concur
Lawrence Winthrop.....Concur

Filed: **02-Feb-2017** Mandate:

Decision Disposition
Affirmed in Part
Reversed in Part
Remanded

76 PROCEEDING ENTRIES

1.	19-Dec-2014	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/12/14 (Plf); Notice of Cross Appeal from Maricopa County Superior Court filed 11/20/14 (Def) Bond filed in Superior Court: 11/18/14 (Plf) Docketing Statement filed in Superior Court: 11/25/14 (Plf)
2.	19-Dec-2014	FILED: e-Record on Appeal: Instruments/Minute Entries
3.	6-Jan-2015	FILED: Notice to Parties re: Appellants/Cross-Appellees' Fee/Brief Due
4.	15-Jan-2015	FILED: Notice of Payment of Plaintiffs/Appellants/Crossappellees' Filing Fee; Certificate of Service
5.	21-Jan-2015	RECEIPT No.: 2015-00064 ; $280.00, Authorization: 20021222532, Applied to: ANIL VAZIRANI/SECURED FINANCIAL - Class A Filing Fee ($280.00) Paid for: Wilenchik & Bartness PC - By Integrated Resource Systems IN
6.	27-Jan-2015	FILED: Appellee's Notice re: Cross Appellant's Fees Due /Appellant's Brief Due
7.	27-Jan-2015	FILED: Appellee's Notice re: Cross Appellants Fees Due/Appellant's Brief Due
8.	27-Jan-2015	FILED: Cross Appellant's Notice re: Cross Appellant's Filing Fees Due/Appellant's Brief Due
9.	27-Jan-2015	FILED: Notice of Payment of Defendant/Appelle/Cross-Appellant Creative One Marketing Corporation's Filing Fee; Certificate of Service
10.	29-Jan-2015	RECEIPT No.: 2015-00119 ; $280.00, Check Number: #79598, Applied to: ANNEXUS DISTRIBUTORS et al. - Class A Filing Fee ($280.00) Paid for: - By Ryley Carlock & Applewhite PA
11.	29-Jan-2015	RECEIPT No.: 2015-00130 ; $280.00, Authorization: #28020640068, Applied to: CREATIVE ONE MARKETING - Class A Filing Fee ($280.00) Paid for: Stinson Leonard Street LLP - By Integrated Resource Systems IN
12.	4-Feb-2015	FILED: Notice of Payment of Filing Fee; Certificate of Service for Notice of Payment of Filing Fee (Cross-Appellant)
13.	9-Feb-2015	RECEIPT No.: 2015-00170 ; $280.00, Authorization: 40007478375, Applied to: ADVISORS EXCEL - Class A Filing Fee ($280.00) Paid for: Jennings Strouss & Salmon PLC - By Integrated Resource Systems IN
14.	6-Mar-2015	FILED: Appellants Motion for Leave to File Opening Brief Under Seal; Certificate of Service; Exhibit; Proposed Order (Appellant)
15.	9-Mar-2015	FILED: Appellants' Opening Brief (Filed Under Seal)

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

76 PROCEEDING ENTRIES

16.	17-Mar-2015	FILED: Appellee Creative One Marketing Corporation's Joinder in Appellants' Motion for Leave to File Opening Brief Under Seal; Certificate of Service (Appellee)
17.	19-Mar-2015	FILED: Stipulation to Extend Deadline for Appellees/Cross-Appellants to Submit Response Brief and Opening Brief on Cross-Appeal; Certificate of Service (Appellee)
18.	20-Mar-2015	ORDERED: Stipulation to Extend Deadline for Appellees/Cross-Appellants to Submit Response Brief and Opening Brief on Cross-Appeal; (Answering/Cross-Appeal Opening Brief) (Appellee) = GRANTED. Due date extended to 5/29/15. Melina Brill ProTem Judge - Author
19.	20-Apr-2015	ORDERED: granting motion/accepting opening brief as filed under seal on 3/9/15, subject to access by court personnel as needed for processing appeal. Hon Samuel A Thumma - Author
20.	29-May-2015	FILED: Appellees'/Cross-Appellants' Joint Motion for Leave to File Answering Brief and Cross-Appeal Brief Under Seal; Certificate of Service (Appellee)
21.	29-May-2015	FILED: Appellees'/Cross-Appellants' Joint Motion to Exceed The Word Limit; Certificate of Service (Appellee)
22.	29-May-2015	FILED: Appellees'/Cross-Appellants' Joint Request for Oral Argument; Certificate of Service (Appellee)
23.	29-May-2015	FILED: Appellees'/Cross-Appellants' Certificate of Paper Filing; Certificate of Service
24.	29-May-2015	FILED: Certificate of Service (re: Answering Brief and Cross-Opening Brief) (Appellees)
25.	1-Jun-2015	FILED: Answering Brief and Cross-Appeal Opening Brief of Appellees Annexus Distributors AZ, LLC, Ronald L Shurts, Advisors Excel, LLC, and Creative One Marketing Corporation (To Be Filed Under Seal)
26.	1-Jun-2015	FILED: Courtesy copy of Appellees'/Cross-Appellants' Certificate of Paper Filing
27.	1-Jun-2015	FILED: Courtesy copy of Certificate of Service (re: paper filing) (Appellees/Cross-Appellants)
28.	1-Jun-2015	FILED: Courtesy copy of Appellees'/Cross-Appellants' Joint Request for Oral Argument
29.	1-Jun-2015	FILED: Courtesy copy of Certificate of Service (re: Joing Request for Oral Argument) (Appellees/Cross-Appellants)
30.	1-Jun-2015	FILED: Courtesy copy of Appellees'/Cross-Appellants' Joint Motion to Exceed The Word Limit
31.	1-Jun-2015	FILED: Courtesy copy of Certificate of Service (re: Joint Motion to Exceed The Word Limit) (Appellees'/Cross-Appellants')
32.	1-Jun-2015	FILED: Courtesy copy of Appellees'/Cross-Appellants' Joint Motion for Leave to File Answering Brief and Cross-Appeal Brief Under Seal
33.	1-Jun-2015	FILED: Courtesy copy of Certificate of Service (re: Joint Motion for Leave to File Answering Brief and Cross-Appeal Opening Brief Under Seal) (Appellees'/Cross-Appellants')
34.	1-Jun-2015	FILED: Courtesy copy of Certificate of Service (re: Answering Brief and Cross-Opening Brief) (Appellees'/Cross-Appellants')
35.	11-Jun-2015	FILED: Stipulation to Extend Deadline for Appellants Corss Appellees to Submit Reply Brief and Response Brief on Cross Appeal; Certificate of Service (Appellant)
36.	15-Jun-2015	ORDERED: Stipulation to Extend Deadline for Appellants Cross Appellees to Submit Reply Brief and Response Brief on Cross Appeal (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-20-2015 to Friday, 07-31-2015. Melina Brill ProTem Judge - Author
37.	29-Jun-2015	ORDERED: Appellees'/Cross-Appellants' Joint Motion to Exceed The Word Limit (Appellee) = GRANTED. FURTHER ORDERED: Appellees'/Cross-Appellants' Joint Motion for Leave to File Answering Brief and Cross-Appeal Brief Under Seal (Appellee) = GRANTED/accepting answering brief/cross-appeal opening brief as filed under seal on 6/1/15, subject to access by court personnel as needed for processing this appeal. Hon Diane M Johnsen - Author
38.	31-Jul-2015	FILED: Appellants' Reply and Cross-Appeal Answering Brief (To Be Filed Under Seal)
39.	24-Aug-2015	FILED: Joint Reply Brief on Cross-Appeal of Appellees Annexus Distributors AZ, LLC, Ronald L Shurts, Advisors Excel, LLC, and Creative One Marketing Corporation; Certificate of Compliance; Certifciate of Service (Appellees)
40.	2-Sep-2015	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days

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

76 PROCEEDING ENTRIES

41.	11-Sep-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record
42.	21-Sep-2015	ORDERED: Appellees'/Cross-Appellants' Joint Request for Oral Argument (Appellee) = GRANTED. Hon Michael J Brown - Author
43.	4-Feb-2016	FILED: Motion to Withdraw as Counsel; Certificate of Service; Proposed Order (Appellant)
44.	5-Feb-2016	FILED: Notice of Erratum Regarding Motion to Withdraw as Counsel; Certificate of Service (Appellant)
45.	5-Feb-2016	ORDERED: Motion to Withdraw as Counsel (Dennis I Wilenchik, James T Acuff, Mia Nguyen)(Appellant) = GRANTED. David G Bray and Todd Baxter of Dickinson Wright PLLC, remain as counsel of record for appellants/cross-appellees. Barbara Vidal Vaught ProTem Judge - Author
46.	16-Feb-2016	ORDERED: staying this appeal to/including 4/1/16, and revesting jurisdiction in Maricopa Superior Court to consider application by appellants for a signed judgment with certification of finality pursuant to Rule 54 (c). FURTHER ORDERED: If superior court grants application, appellants shall file a copy of signed judgment w/in 10 days after its entry. Appeal will be automatically reinstated. FURTHER ORDERED: If appeal has not been reinstated, appellants shall file request to continue stay or appeal may be dismissed. Barbara Vidal Vaught ProTem Judge - Author
47.	24-Mar-2016	FILED: Appellants' Notice of Compliance and Notice of Filing Judgment with Rule 54(c) Finality Language; Certificate of Filing and Service (Appellant)
48.	30-Mar-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes signed Amended Judgment filed 3/23/16 which includes 54(c) language)
49.	29-Apr-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 6-29-16, 10:15 am, COURTROOM 2.
50.	6-May-2016	FILED: Memorandum: Judge Winthrop for Judge Downie (Chief Judge Brown)
51.	11-May-2016	FILED: Notice of Oral Argument
52.	11-May-2016	FILED: Receipt for Notice of Oral Argument, signed by Michael L. Parrish on 05/11/2016; Certificate of Service (Appellee/Cross-Appellant Creative One)
53.	16-May-2016	FILED: Receipt of Notice of Oral Argument, signed by Andrea Lovell on 05/11/2016
54.	27-May-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Second Notice of Appeal filed on 4/22/16)
55.	9-Jun-2016	FILED: Receipt for Notice of Oral Argument, Signed by David G Bray on 05/11/2016; Certificate of Service (Appellant-Cross Appellee)
56.	24-Jun-2016	FILED: Joint Motion to Close the Courtroom and Seal the Transcript of the Oral Argument on June 29, 2016; Certificate of Service; Exhibit A (Appellee)
57.	27-Jun-2016	ORDERED: Joint Motion to Close the Courtroom and Seal the Transcript of the Oral Argument on June 29, 2016 (Appellee) = DENIED. Hon Donn Kessler - Author
58.	29-Jun-2016	FILED: Appellee Creative One Marketing's Motion for Leave to File Under Seal Its (1) Identification of Confidential Material and (2) Motion to Make Only Edited Video Recording Available on YouTube to Protect Confidential Material; Certificate of Service (Appellees Cross-Appellants Creative One Marketing)
59.	29-Jun-2016	FILED: Creative One Marking's (1) Identification of Confidential Material and (2) Motion to Make Only Edited Video Recording Available on YouTube to Protect Confidential Material (Filed Under Seal) (Appellees Cross-Appellants Creative One Marketing)
60.	29-Jun-2016	FILED: Courtesy Copy Appellee Creative One Marketing's Motion for Leave to File Under Seal Its (1) Identification of Confidential Material and (2) Motion to Make Only Edited Video Recording Available on YouTube to Protect Confidential Material (Appellees Cross-Appellants Creative One Marketing)
61.	29-Jun-2016	FILED: Courtesy Copy Certificate of Service (Appellees Cross-Appellants Creative One Marketing)
62.	29-Jun-2016	FILED: Sign-in Sheet/Case is Under Advisement as of 06/29/2016 (Dept A)

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

76 PROCEEDING ENTRIES

63.	30-Jun-2016	ORDERED: Appellee Creative One Marketing's Motion for Leave to File Under Seal Its Identification of Confidential Material = GRANTED. Motion to Make Only Edited Video Recording Available on YouTube to Protect Confidential Material (Appellees Cross-Appellants) = DENIED. Hon Donn Kessler - Author
64.	9-Aug-2016	MEMORANDUM DECISION (Affirmed in Part, Reversed in Part, Remanded) Hon Donn Kessler - Author; Hon Kent E Cattani Judge - Concur; Hon Lawrence F Winthrop - Concur
65.	9-Aug-2016	FILED: Memorandum Decision Distribution List
66.	18-Aug-2016	FILED: Appellee Advisors Excel, LLC's Application for Costs; Certificate of Service for Appellee Advisors Excel, LLC's Application for Costs (Appellee)
67.	18-Aug-2016	FILED: Appellee Creative One Marketing's Application for Costs; Certificate of Service (Appellee)
68.	24-Aug-2016	FILED: Annexus Defendants' Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellee)
69.	24-Aug-2016	FILED: Certificate of Compliance; Certificate of Service (Appellee)
70.	24-Aug-2016	FILED: Appellants' Motion For Reconsideration; Certificate of Compliance; Certificate of Service (Appellant)
71.	26-Aug-2016	ORDERED: response to Annexus Defendants' Motion for Reconsideration due 09/16/2016. Such response shall not exceed five pages in length. No reply shall be filed unless ordered by this Court in writing. Hon Donn Kessler - Author
72.	16-Sep-2016	FILED: Appellants' Response to Annexus Defendants' Motion for Reconsideration; Permission by Order; Certificate of Filing and Service (Appellant)
73.	2-Feb-2017	ORDERED: Appellants' Motion For Reconsideration (Appellant) = DENIED and Annexus Defendants' Motion for Reconsideration (Appellee) = GRANTED. FURTHER ORDERED: directing Clerk of this Court to withdraw memorandum decision filed 08/09/2016 and to file new memorandum decision sent to the Clerk this date. FURTHER ORDERED: directing Clerk to send notification of newly filed memorandum decision to all persons who were sent notification of memorandum decision filed 08/09/2016. Hon Donn Kessler - Author
74.	2-Feb-2017	MEMORANDUM DECISION (Affirmed in Part, Reversed in Part, Remanded) Hon Donn Kessler - Author; Hon Kent E Cattani - Concur; Hon Lawrence F Winthrop - Concur
75.	2-Feb-2017	FILED: Memorandum Decision Distribution List
76.	7-Feb-2017	FILED: Annexus Defendants' Application for Costs; Certificate of Service (Appellee)

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