Court of Appeals, Division One

Civil Appeal

1 CA-CV 14-0822 SILVERWOOD v. KUSH

Appellate Case Information

Case Filed:	22-Dec-2014	
Case Closed:	29-Jan-2015	
Reinstated x 1:	24-Feb-2015	Abandoned
Re-Closed:		

Dept/Composition

Department C

Hon. Patricia A Orozco
Hon. Peter B Swann
Hon. Jon W Thompson

Side 1. SILVERWOOD REAL ESTATE INVESTMENTS, L.L.C., an Arizona limited liability company, Plaintiff/Appellee

(Litigant Group) SILVERWOOD REAL ESTATE

- **Silverwood Real Estate Investments LLC**

Attorneys for: Plaintiff/Appellee

Philip G May, Esq. (AZ Bar No. 9764)

Devin Sreecharana, Esq. (AZ Bar No. 29057)

Side 2. SANDRA KUSH, Defendant/Appellant

(Litigant Group) SANDRA KUSH

- **Sandra Wickman-Kush**

Attorneys for: Defendant/Appellant

Dennis I Wilenchik, Esq. (AZ Bar No. 5350)

Tyler Q Swensen, Esq. (AZ Bar No. 15322)

CASE STATUS

Jan 10, 2017....Pending Closure

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2008-003464	Breach of Contract; Breach of Fiduciary Duty; Unjust Enrichment; Fraud		Emmet J Ronan, Authoring Judge of Order		

DESCENDENT CASE(S)	
ASC	CV-16-0212-PR

OPEN DUE DATE

Stay Request (re: Writ of Certiorari) due **Due By:** Wednesday, January 25, 2017

Re: Minute Letter of ASC: Petition for Review DENIED

CASE DECISION

19-Jul-2016 **MEMORANDUM DECISION**

Patricia Orozco.....Author
Peter Swann.....Concur
Jon Thompson.....Concur

Filed: **19-Jul-2016** Mandate:

Decision Disposition
Affirmed

52 PROCEEDING ENTRIES

1.	22-Dec-2014	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/13/14 Bond filed in Superior Court: 11/19/14 Docketing Statement filed in Superior Court: None
2.	22-Dec-2014	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3.	7-Jan-2015	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4.	29-Jan-2015	FILED: Letter, 1/29/15, to Clerk, Maricopa County Superior Court, Re: Pursuant to A.R.S. 12-322A appeal shall be deemed abandoned. No record to be returned.
5.	29-Jan-2015	FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
6.	30-Jan-2015	FILED: Appellant's Case Management Statement (Appellant)

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

52 PROCEEDING ENTRIES

7.	30-Jan-2015	FILED: Certificate of Service (Appellant)
8.	30-Jan-2015	FILED: Defendant/Appellant's Motion to Reinstate Appeal; Certificate of Service (Appellant)
9.	2-Feb-2015	RECEIPT No.: 2015-00143 ; $280.00, Authorization: 33004477098, Applied to: SANDRA KUSH - Class A Filing Fee ($280.00) Paid for: Wilenchik & Bartness PC - By Integrated Resource Systems IN
10.	5-Feb-2015	FILED: Reporter's Transcript of Proceedings 8/10/12 (Marmie Guimont)
11.	11-Feb-2015	FILED: Reporter's Transcript of Proceedings 7/23/12 (Kristen L. Brown)
12.	11-Feb-2015	FILED: Reporter's Transcript of Proceedings 7/24/12 (Kristen L. Brown)
13.	11-Feb-2015	FILED: Reporter's Transcript of Proceedings 7/25/12 (Kristen L. Brown)
14.	11-Feb-2015	FILED: Reporter's Transcript of Proceedings 7/27/12 (Kristen L. Brown)
15.	11-Feb-2015	FILED: Reporter's Transcript of Proceedings 8/7/12 (Kristen L. Brown)
16.	11-Feb-2015	FILED: Reporter's Transcript of Proceedings 8/13/12 (Kristen L. Brown)
17.	11-Feb-2015	FILED: Reporter's Transcript of Proceedings 8/15/12 (Kristen L. Brown)
18.	11-Feb-2015	FILED: Reporter's Transcript of Proceedings 9/17/12 (Kristen L. Brown)
19.	11-Feb-2015	FILED: Reporter's Transcript of Proceedings 9/18/12 (Kristen L. Brown)
20.	17-Feb-2015	FILED: Reporter's Transcript - 07/23/14 - Trial - Day 1 - Afternoon (Scott A. Kindle)
21.	19-Feb-2015	FILED: Reporter's Transcript of Proceedings - 08/17/12 - Trial Day 13 (Scott A. Kindle)
22.	24-Feb-2015	ORDERED: Defendant/Appellant's Motion to Reinstate Appeal = GRANTED. FURTHER ORDERED: staying appeal to/including 4/13/15, revesting jurisdiction in Maricopa County Superior Court re: application for signed judgment Rule 54(c). FURTHER ORDERED: If granted, appellant shall file a copy of signed judgment w/in 10 days. FURTHER ORDERED: If appeal not reinstated by 4/13/15, appellant shall file a request to continue stay or appeal may be dismissed. FURTHER ORDERED: Opening brief due on 5/13/15. FURTHER ORDERED: Appellee's filing fee of $140 is due 4/24/15. Melina Brill ProTem Judge - Author
23.	7-Apr-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record (signed judgment includes 54(c) language)
24.	17-Apr-2015	FILED: Notice of Filing Judgment; Certificate of Service (Appellant)
25.	24-Apr-2015	FILED: Appellee's Notice of Payment of Filing Fee; Certificate of Service
26.	29-Apr-2015	RECEIPT No.: 2015-00562 ; $140.00, Authorization: #18014100987, Applied to: SILVERWOOD REAL ESTATE - Class B Filing Fee ($140.00) Paid for: May Potenza Baran & Gillespie PC - By Integrated resource Systems
27.	13-May-2015	FILED: Defendant/Appellant Sandra Wickman-Kush's Motion for Procedural Order and First Request to Extend Time to File Opening Brief; Certificate of Service (Appellant)
28.	18-May-2015	ORDERED: Defendant/Appellant Sandra Wickman-Kush's Motion for Procedural Order and First Request to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 05-13-2015 to Friday, 06-12-2015. Melina Brill ProTem Judge - Author
29.	5-Jun-2015	FILED: Notice of Filing Order Granting Stipulation to Enter Judgment Nunc Pro Tunc Effective July 28, 2014; Certificate of Service (Appellant)
30.	12-Jun-2015	FILED: Appellant's Opening Brief; Appellant's Certificate of Compliance; Certificate of Service
31.	23-Jun-2015	FILED: Stipulated Motion for Extension of Time for Appellee to File Answering Brief; Untitled Certificate of Service (Appellee)
32.	23-Jun-2015	ORDERED: Stipulated Motion for Extension of Time for Appellee to File Answering Brief (Appellee)= GRANTED. Due date EXTENDED from Monday, 07-27-2015 to Wednesday, 08-26-2015. Melina Brill ProTem Judge - Author
33.	27-Aug-2015	FILED: Appellee's Answering Brief; Appellee's Certificate of Compliance; Certificate of Service

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52 PROCEEDING ENTRIES

34.	27-Aug-2015	FILED: Motion to Accept Answering Brief As Timely; Certificate of Service (Appellee)
35.	31-Aug-2015	ORDERED: Motion to Accept Answering Brief As Timely (Appellee) = GRANTED. Accepting brief as filed on 8/27/15. Melina Brill ProTem Judge - Author
36.	16-Sep-2015	FILED: Stipulated Motion for Procedural Order to Extend Time to File Reply Brief; Certificate of Service (Appellant)
37.	18-Sep-2015	ORDERED: Stipulated Motion for Procedural Order to Extend Time to File Reply Brief; (Appellant) = GRANTED. Due date EXTENDED from Monday, 09-21-2015 to Monday, 10-05-2015. Melina Brill ProTem Judge - Author
38.	5-Oct-2015	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service
39.	7-Oct-2015	FILED: Notice of Errata Regarding Appellant's Reply Brief; Certificate of Service; Appellant's Reply Brief (Appellant)
40.	28-Oct-2015	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
41.	6-Nov-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Judgment Signed filed on 4/16/15)
42.	6-Nov-2015	FILED: Additional Record on Appeal: Exhibits: HD 7/23/12 - List # 1 7 8 9 10 11 12 13 14 15 16 17 18 23 24 25 26 27 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 62 64 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 90 91 92 93 94 95 96 110 131 132 133 134 135 136 137 138 139 140 141 143 149 151 152 153 154 155 156 158 165 166 167 168 169 171 172 173 174 175 176 177 179 180 181 182 183 184 185 186 187 188 189 in Two Boxes.
43.	31-Mar-2016	CLNDR: CONFERENCE, Department C, 5-25-16, COURTROOM 2.
44.	19-Jul-2016	MEMORANDUM DECISION (Affirmed) Hon Patricia A Orozco - Author; Hon Peter B Swann - Concur; Hon Jon W Thompson - Concur
45.	19-Jul-2016	FILED: Memorandum Decision Distribution List
46.	28-Jul-2016	FILED: Verified Statement of Costs; Certificate of Service of Verified Statement of Costs (Appellee)
47.	3-Aug-2016	FILED: Appellant's Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant)
48.	16-Aug-2016	ORDERED: Appellant's Motion for Reconsideration (Appellant) = DENIED. Hon Patricia A Orozco - Author
49.	24-Aug-2016	ORDERED: awarding Plaintiff/Appellee its costs in the amount of $169.60. Amy M Wood - Author
50.	1-Sep-2016	FILED: Email Notice from ASC re: Petition for Review filed 9/1/16; request for partial record
51.	1-Sep-2016	FILED: Letter forwarding partial record to Arizona Supreme Court
52.	10-Jan-2017	FILED: Letter from ASC, 01/10/2017, re: Petition for Review DENIED on 01/10/2017

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