

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 15-0059**

**HOGAN et al. v. O'HARA et al.**

<p><b>Appellate Case Information</b></p> <p>Case Filed: 30-Jan-2015 Case Closed: 21-Dec-2016</p> <p align="center"><b>Decision</b></p>	<p><b>Dept/Composition</b></p> <p><b>Department E</b></p> <p>Hon. Diane M Johnsen Hon. Patricia A Orozco Hon. Kenton D Jones</p>
--	--

**Side 1. In the Matter of:**  
**O'HARA FAMILY TRUST SECOND AMENDMENT AND RESTATEMENT OF THE O'HARA FAMILY TRUST**  
**DONALD HOGAN; MICHAEL HOGAN and LOIS MACLEOD, Petitioner/Appellant**  
**(Litigant Group) DONALD HOGAN et al.**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Donald Hogan</li> <li>• Michael Hogan</li> <li>• Lois MacLeod</li> </ul> | <p><b>Attorneys for: Petitioners/Appellants</b></p> <p>Clarke H Greger, Esq. (AZ Bar No. 2044)<br/>John C Lemaster, Esq. (AZ Bar No. 11588)<br/>Philip J Jang, Esq. (AZ Bar No. 29969)</p> |
|---|--|

**Side 2. ROBERT N. O'HARA, JR.; SUSAN A. O'HARA; and TERI L. DUNNE, Respondent/Appellee**  
**(Litigant Group) ROBERT N O'HARA et al.**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Robert N O'Hara, Jr.</li> <li>• Susan A O'Hara</li> <li>• Teri L Dunne</li> </ul> | <p><b>Attorneys for: Respondents/Appellees</b></p> <p>J Noland Franz, Esq. (AZ Bar No. 3658)<br/>Roger W Hall, Esq. (AZ Bar No. 13727)</p> |
|--|--|

**CASE STATUS**

Dec 21, 2016....Case Closed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR PB2013-002007	Petition for Declaration of Rights in Trust Assets and for Order Reforming Trust Instrument		Edward W Bassett, Authoring Judge of Order		

DESCENDENT CASE(S)
ASC CV-16-0174-PR

**CASE DECISION**

21-Jun-2016	<b>MEMORANDUM DECISION</b>	Filed: 21-Jun-2016	Mandate: 21-Dec-2016
<p>Diane Johnsen.....Author</p> <p>Patricia Orozco.....Concur</p> <p>Kenton Jones.....Dissent</p>		<p>Decision Disposition</p> <p><b>Reversed</b></p> <p><b>Remanded</b></p>	

**38 PROCEEDING ENTRIES**

1. 30-Jan-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 12/23/14  
Docketing Statement filed in Superior Court: 12/30/14
2. 30-Jan-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 6-Feb-2015 FILED: Notice to Parties re: Appellants' Fee/Brief Due
4. 10-Feb-2015 RECEIPT No.: 2015-00175 ; \$280.00, Check Number: #79604, Applied to: DONALD HOGAN et al. - Class A Filing Fee (\$280.00) Paid for: - By Ryley Carlock & Applewhite
5. 19-Feb-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 15-0059**

**HOGAN et al. v. O'HARA et al.**

**38 PROCEEDING ENTRIES**

6. 20-Feb-2015 RECEIPT No.: 2015-00222 ; \$140.00, Check Number: #535302, Applied to: ROBERT N O'HARA et al. - Class B Filing Fee (\$140.00) Paid for: - By Buchalter Nemer PC
7. 7-Apr-2015 FILED: Appellants' Opening Brief; Certificate of Compliance re: Appellants' Opening Brief; Certificate of Service re: Appellants' Opening Brief
8. 6-May-2015 FILED: Stipulation to Extend Briefing Schedule; Certificate of Service (Appellee)
9. 7-May-2015 ORDERED: Stipulation to Extend Briefing Schedule (Appellee) = GRANTED. Answering brief shall be filed on/before 6/15/15 and reply brief shall be filed on/before 7/17/15. Melina Brill ProTem Judge - Author
10. 11-May-2015 RECEIPT No.: 2015-00637 ; \$140.00, Authorization: #31004308020, Applied to: ROBERT N O'HARA et al. - Overpayment Class B (\$140.00) Paid for: Buchalter Nemer PC - By Integrated Resource Systems IN (Memo: Duplicate Pmt - See Rcpt 2015-00222 - Refund Needed)
11. 2-Jun-2015 FILED: Letter, 6/2/15, to Buchalter Nemer, PC, re: Refund of duplicate filing fee
12. 10-Jun-2015 FILED: Second Stipulation to Extend Briefing Schedule; Certificate of Service (Appellee)
13. 11-Jun-2015 ORDERED: Second Stipulation to Extend Briefing Schedule (Appellee) = GRANTED. Answering Brief Due date EXTENDED from Monday, 06-15-2015 to Monday, 07-06-2015; Reply Brief Due date EXTENDED from Friday, 07-17-2015 to Friday, 08-07-2015. Melina Brill ProTem Judge - Author
14. 6-Jul-2015 FILED: Respondents/Appellees' Answering Brief; Certificate of Compliance; Certificate of Service
15. 6-Jul-2015 FILED: (Respondents/Appellees' Answering Brief) Appendix
16. 16-Jul-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
17. 29-Jul-2015 FILED: Appellants' Motion to Dismiss Cross-Appeal and Motion to Extend Time to Respond to Cross-Appeal Until the Motion to Dismiss is Decided; Certificate of Service for Motion to Dismiss Cross-Appeal and Motion to Extend Time to Respond to Cross-Appeal Until The Motion to Dismiss is Decided (Appellant)
18. 30-Jul-2015 ORDERED: Appellants' Motion to Dismiss Cross-Appeal and Motion to Extend Time to Respond to Cross-Appeal Until the Motion to Dismiss is Decided = GRANTED/vacating the August 7, 2015 due date for the reply brief. The order ruling on the Motion to Dismiss Cross-Appeal will set a due date for filing the reply brief. Melina Brill ProTem Judge - Author
19. 17-Aug-2015 FILED: Motion to Extend Time to Respond to Appellants' Motion to Dismiss Cross-Appeal; Certificate of Service (Appellee)
20. 18-Aug-2015 ORDERED: Motion to Extend Time to Respond to Appellants' Motion to Dismiss Cross-Appeal (Appellee) = GRANTED. Extending time for filing response to/including 8/31/15. Melina Brill ProTem Judge - Author
21. 1-Sep-2015 FILED: Notice of Withdrawal of Cross-Appeal; Certificate of Service (Appellee)
22. 4-Sep-2015 ORDERED: granting appellees' notice and deeming the notice of cross-appeal filed on July 2, 2015, withdrawn. FURTHER ORDERED denying appellants' motion to dismiss cross-appeal as moot. FURTHER ORDERED that the reply brief shall be filed on or before September 24, 2015. Melina Brill ProTem Judge - Author
23. 24-Sep-2015 FILED: Appellants' Reply Brief; Certificate of Compliance Re: Appellants' Reply Brief; Certificate of Service Re: Appellants' Reply Brief
24. 6-Oct-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
25. 16-Oct-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
26. 29-Feb-2016 CLNDR: CONFERENCE, Department E, 4-27-16, COURTROOM 1.
27. 16-Jun-2016 FILED: Emergency Motion to Accelerate Appeal; Certificate of Service (Appellee)
28. 21-Jun-2016 MEMORANDUM DECISION (Reversed, Remanded) Hon Diane M Johnsen - Author; Hon Patricia A Orozco - Concur; Hon Kenton D Jones Judge - Dissent
29. 21-Jun-2016 FILED: Memorandum Decision Distribution List
30. 21-Jun-2016 ORDERED: Emergency Motion to Accelerate Appeal (Appellee) = DENIED as moot. Hon Diane M Johnsen - Author

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 15-0059**

**HOGAN et al. v. O'HARA et al.**

**38 PROCEEDING ENTRIES**

31. 5-Jul-2016 FILED: Appellants' Statement of Costs; Certificate of Service re: Appellants' Statement of Costs (Appellant)
32. 6-Jul-2016 FILED: Motion for Reconsideration Under ARCAP 22; Certificate of Compliance; Certificate of Service (Appellee)
33. 12-Jul-2016 ORDERED: Motion for Reconsideration Under ARCAP 22; Certificate of Compliance (Appellee) = DENIED. Judge Jones dissents from denial of motion for reconsideration. Hon Diane M Johnsen - Author
34. 28-Jul-2016 FILED: Email Notice from ASC re: Petition for Review filed 7/27/16; request for partial record
35. 28-Jul-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
36. 15-Nov-2016 FILED: Letter from ASC, 11/15/2016, re: Petition for Review DENIED on 11/15/2016, Request for Attorneys' Fees DENIED on 11/15/2016
37. 19-Dec-2016 ORDERED: awarding Petitioners/Appellants their costs in the amount of \$292.00. Amy M Wood - Author
38. 21-Dec-2016 FILED: Mandate, No record returned to superior court.