Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0064 BLACKHAWK et al. v. MCCOMB

Appellate Case Information

Case Filed: 3-Feb-2015

Case Closed:

Dept/Composition

Department B

Hon. Kent E Cattani
Hon. Samuel A Thumma
Hon. Randall M Howe

Side 1. BLACKHAWK INC. PROFIT SHARING PLAN, an Arizona corporation, its heirs and assign, ARIZONA CASITAS ACQUISITION, LLC, a limited liability company, Plaintiff/Appellant

(Litigant Group) BLACKHAWK INC PROFIT SHARING PLAN

- **Blackhawk Inc Profit Sharing Plan**
- **Arizona Casitas Acquisition LLC**

Attorneys for: Plaintiffs/Appellants

Thomas F Harper, Esq. (AZ Bar No. 4203)

Side 2. CHARLES MCCOMB and DOLORES MCCOMB, husband and wife, Defendant/Appellee

(Litigant Group) CHARLES & DOLORES MCCOMB

- **Charles McComb**
- **Dolores McComb**

Attorneys for: Defendants/Appellees

Patrick J Davis, Esq. (AZ Bar No. 13808)

David M LaSpaluto, Esq. (AZ Bar No. 24641)

CASE STATUS

Aug 23, 2016....Stayed Jun 7, 2016.....**Decision Rendered**

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2012-001926	Ejectment		Christopher T Whitten, Authoring Judge of Order		

OPEN DUE DATE

Petition for Review to ASC due **Due By:** Thursday, July 7, 2016

Re: MEMORANDUM DECISION (Affirmed) Hon Samuel A Thumma - Author; Hon Kent E Cattani Judge - Concur; Hon Randall M Howe - Concur

CASE DECISION

07-Jun-2016 MEMORANDUM DECISION

Samuel Thumma.....Author
Kent Cattani.....Concur
Randall Howe.....Concur

Filed: **07-Jun-2016** Mandate:

Decision Disposition
Affirmed

40 PROCEEDING ENTRIES

1.	3-Feb-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/05/15 Docketing Statement filed in Superior Court: 1/12/15
2.	3-Feb-2015	FILED: e-Record on Appeal: Instruments/Minute Entries
3.	13-Feb-2015	FILED: Notice to Parties re: Appellants' Fee/Brief Due
4.	20-Feb-2015	FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
5.	20-Feb-2015	RECEIPT No.: 2015-00215 ; $280.00, Check Number: #1145, Applied to: BLACKHAWK INC PROFIT SHARING PLAN - Class A Filing Fee ($280.00) Paid for: - By Law Office of Thomas F Harper PC
6.	10-Mar-2015	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
7.	12-Mar-2015	RECEIPT No.: 2015-00321 ; $140.00, Check Number: #6020001821, Applied to: CHARLES & DOLORES MCCOMB - Class B Filing Fee ($140.00) Paid for: - By Fidelity National Law Group

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

40 PROCEEDING ENTRIES

8.	17-Mar-2015	FILED: Appellee's Notice of Payment of Filing Fees; Certificate of Service of Appellee's Notice of Payment of Filing Fees
9.	13-Apr-2015	FILED: Request for Oral Argument; Request for Oral Argument (Certificate of Service) (Appellant)
10.	13-Apr-2015	FILED: Appellant's Opening Brief; Certificate of Compliance with service; Certificate of Compliance with service (duplicate)
11.	22-May-2015	FILED: Appellee's Stipulated Request for Extension of Time to File Answering Brief Pursuant to ARCAP 5(b); Certificate of Service of Appellee's Stipulated Request for Extension of Time to File Answering Brief Pursuant to ARCAP 5(b) (Amicus Curiae)
12.	26-May-2015	ORDERED: Appellee's Stipulated Request for Extension of Time to File Answering Brief Pursuant to ARCAP 5(b) = GRANTED. Due date EXTENDED from Monday, 06-01-2015 to Wednesday, 07-01-2015. Melina Brill ProTem Judge - Author
13.	1-Jul-2015	FILED: Appendix to Appellee's Answering Brief (Amicus Curiae)
14.	1-Jul-2015	FILED: Answering Brief of Defendant/Appellee Dolores McComb; Certificate of Compliance; Certificate of Service (Amicus Curiae)
15.	16-Jul-2015	FILED: Stipulated Request for Extension of Time to File Reply Brief; Certificate of Service (Appellant)
16.	20-Jul-2015	ORDERED: Stipulated Request for Extension of Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-27-2015 to Friday, 08-14-2015 Barbara Vidal Vaught ProTem Judge - Author
17.	11-Aug-2015	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Compliance (duplicate)
18.	1-Sep-2015	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
19.	11-Sep-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record
20.	21-Sep-2015	ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
21.	29-Feb-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 4-5-16, 10:00 am, COURTROOM 2.
22.	2-Mar-2016	FILED: Notice of Oral Argument
23.	3-Mar-2016	FILED: Return Receipt for Notice of Oral Argument signed by David M LaSpaluto on 3/2/16; Certificate of Service Appellee's Return Receipt for Notice of Oral Argument (Appellees)
24.	18-Mar-2016	FILED: Return Receipt for Notice of Oral Argument signed by Thomas F Harper on 3/7/16 (Appellant)
25.	30-Mar-2016	FILED: Certificate of Service Appellants Return Receipt for Notice of Oral Argument
26.	5-Apr-2016	FILED: Sign-in Sheet/Case is Under Advisement (Dept B)
27.	7-Jun-2016	MEMORANDUM DECISION (Affirmed) Hon Samuel A Thumma - Author; Hon Kent E Cattani Judge - Concur; Hon Randall M Howe - Concur
28.	7-Jun-2016	FILED: Memorandum Decision Distribution List
29.	9-Jun-2016	FILED: Appellee's Verified Statement of Attorneys' Fees and Costs; Certificate of Service (Amicus Curiae)
30.	29-Jun-2016	FILED: Motion and Stipulation to Extend Time to Object to Appellee's Verified Statement of Attorneys Fees and Cost; Proof of mailing (Appellant)
31.	30-Jun-2016	ORDERED: Motion and Stipulation to Extend Time to Object to Appellee's Verified Statement of Attorneys Fees and Cost (Appellant) = GRANTED. Due dates EXTENDED from Tuesday, 06-28-2016 to Wednesday, 07-06-2016. Hon Samuel A Thumma - Author
32.	6-Jul-2016	FILED: Appellant's Objection to Application for Attorneys Fees and Cost; Certificate of Service (Appellant)
33.	18-Jul-2016	FILED: Appellee's Reply in Support of Attorneys' Fees and Costs; Certificate of Service (Amicus Curiae)
34.	22-Jul-2016	FILED: Appellants Motion to Suspend Jurisdiction of Court of Appeal; Certificate of Service; Order (Appellant)

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35.	22-Jul-2016	ORDERED: granting Appellees costs in amount of $170 and, in exercise of Court's discretion, granting Appellees attorneys' fees in amount of $10,000. Hon Samuel A Thumma - Author
36.	10-Aug-2016	FILED: Appellee's Response to Appellant's Motion to Suspend Jurisdiction of Court of Appeals; Certificate of Service (Amicus Curiae)
37.	19-Aug-2016	FILED: Appellants Reply to Appellees Response to Appellants Motion to Suspend Jurisdiction of Court of Appeal; Certificate of Service August 19 (Appellant)
38.	23-Aug-2016	ORDERED: Appellants Motion to Suspend Jurisdiction of Court of Appeal (Appellant) = GRANTED. FURTHER ORDERED: staying appeal until further order and revesting jurisdiction in the Superior Court to allow that Court to consider and rule on Appellants' Motion to Enforce Settlement Agreement filed 06/18/2016. FURTHER ORDERED: status report informing the status of proceedings in Superior Court and, if issued, a copy of the ruling on the Motion to Enforce Settlement Agreement due within 90 days of this order. FURTHER ORDERED: after 90 days from date of this order, this court may reinstate appeal and resolve all aspects of appeal without further advance notice. Hon Samuel A Thumma - Author
39.	18-Nov-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
40.	21-Nov-2016	FILED: Appellant's Status Report (Appellant)

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