Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0261 ABCDW v. BANNING

Appellate Case Information

Case Filed: 23-Apr-2015

Case Closed:

Dept/Composition

Department D

Hon. Peter B Swann
Hon. Patricia A Orozco
Hon. Michael J Brown

Side 1. ABCDW LLC, et al., Plaintiff/Appellant-Cross Appellee

(Litigant Group) ABCDW LLC

- **ABCDW LLC**

Attorneys for: Plaintiff/Appellant/Cross Appellee
Ryan P Dyches, Esq. (AZ Bar No. 10221)

(Litigant Group) VAN LEEUWEN BUCKEYE LLC

- **Van Leeuwen Buckeye LLC**

Attorneys for: Plaintiff/Appellant/Cross Appellee
Jeff Schneidman, Esq. (AZ Bar No. 5945)

(Litigant Group) MELANIE NEVITT LLC et al.

- **Melanie Nevitt LLC**
- **Melanie Gila Bend II LLC**
- **Pantano Banning LLC**

Attorneys: Plaintiffs/Appellants/Cross Appellees
Monty L Greek, Esq. (AZ Bar No. 15088)
Sara Witthoft, Esq. (AZ Bar No. 23521)

Side 2. LLOYD E. BANNING, SR., Defendant/Appellee-Cross Appellant

(Litigant Group) LLOYD E BANNING, SR.

- **Lloyd E Banning, Sr.**

Attorneys for: Defendant/Appellee/Cross Appellant
Brian Imbornoni, Esq. (AZ Bar No. 6894)
Eric D Gere, Esq. (AZ Bar No. 23226)

CASE STATUS

Dec 30, 2016....Decision Rendered

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2011-098405	Intentional Interference with Contract and with Business Expectancy [see file]		David M Talamante, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-17-0031-PR

3 OPEN DUE DATES

Motion for Reconsideration due **Due By:** Tuesday, January 17, 2017

Re: OPINION (Affirmed in Part, Reversed in Part, Remanded) Hon Andrew W Gould - Author; Hon Peter B Swann - Concur; Hon Patricia A Orozco - Concur

Petition for Review to ASC due **Due By:** Monday, January 30, 2017

Re: OPINION (Affirmed in Part, Reversed in Part, Remanded) Hon Andrew W Gould - Author; Hon Peter B Swann - Concur; Hon Patricia A Orozco - Concur

Response to Attorneys Fees due **Due By:** Monday, January 30, 2017

Re: FILED: Application for Attorney's Fees; Certificate of Service; Affidavit of Ryan P. Dyches (Appellant)

PENDING MATTER

General Motion Filed: 10-Jan-2017

Application for Attorney's Fees; Certificate of Service; Affidavit of Ryan P. Dyches (Appellant)

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 15-0261 ABCDW v. BANNING

CASE DECISION

30-Dec-2016 **OPINION**

Andrew Gould.....Author
Peter Swann.....Concur
Patricia Orozco.....Concur

Filed: **30-Dec-2016** Mandate:

Decision Disposition
Affirmed in Part
Reversed in Part
Remanded

59 PROCEEDING ENTRIES

1.	23-Apr-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 03/25/15 (Plaintiffs); Notice of Cross Appeal from Maricopa County Superior Court filed 4/15/15 (Defendant)
2.	23-Apr-2015	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3.	1-May-2015	FILED: Notice to Parties re: Appellants' Fees/Case Management Statement/Brief Due
4.	13-May-2015	FILED: Notice of Payment of Appellant ABCDW, LLC Filing Fee; Certificate of Service Re: Notice of Payment of Appellant ABCDW, LLC Filing Fee
5.	14-May-2015	FILED: Notice of Payment of Appellant Van Leeuwen Buckeye, L.L.C., Filing Fee; Certificate Of Service Re: Notice Of Payment Of Appellant Van Leeuwen Buckeye, LLC Filing Fee
6.	15-May-2015	FILED: Notice of Payment of Appellants Melanie-Pantano Filing Fee; Certificate of Service Re: Notice of Payment of Appellants Melanie-Pantano Filing Fee
7.	18-May-2015	RECEIPT No.: 2015-00679 ; $280.00, Authorization: #38002250098, Applied to: ABCDW LLC - Class A Filing Fee ($280.00) Paid for: - By Udall Shumway PLC
8.	18-May-2015	RECEIPT No.: 2015-00680 ; $280.00, Authorization: #38002250098, Applied to: ABCDW LLC - Class A Filing Fee ($280.00) Paid for: Udall Shumway PLC - By Integrated Resource Systems IN (Memo: x-ref #2015-00679)
9.	18-May-2015	VOID RECEIPT No.: 2015-00679 - $-280.00, Authorization: #38002250098, - Applied to: ABCDW LLC - Class A Filing Fee ($-280.00) Paid for: - By: Udall Shumway PLC VOID Reason: x-ref 2015-00680 incorrect paid by and paid for.alc
10.	19-May-2015	RECEIPT No.: 2015-00691 ; $280.00, Authorization: #38014906475, Applied to: ABCDW LLC - Overpayment Class A ($280.00) Paid for: Udall Shumway PLC - By Integrated Resource Systems IN (Memo: Duplicate Payment- See Rcpt 2015-00680)
11.	20-May-2015	RECEIPT No.: 2015-00696 ; $280.00, Authorization: #38014906475, Applied to: VAN LEEUWEN BUCKEYE LLC - Class A Filing Fee ($280.00) Paid for: UDALL SHUMWAY PLC - By Integrated Resource Systems IN (Memo: X-ref 2015-00691)
12.	20-May-2015	VOID RECEIPT No.: 2015-00691 - $-280.00, Authorization: #38014906475, - Applied to: ABCDW LLC - Overpayment Class A ($-280.00) Paid for: Udall Shumway PLC - By: Integrated Resource Systems IN (Memo: Duplicate Payment- See Rcpt 2015-00680) VOID Reason: x-ref 2015-00696 incorrect litigant group not a refund. alc
13.	20-May-2015	FILED: Case Management Statement (Appellant)
14.	21-May-2015	RECEIPT No.: 2015-00700 ; $280.00, Authorization: 39015475797, Applied to: MELANIE NEVITT LLC et al. - Class A Filing Fee ($280.00) Paid for: UDALL SHUMWAY - By Integrated Resource Systems IN
15.	21-May-2015	FILED: Notice of Filing Certified Transcript of Proceedings; Certificate of Service Re: Notice of Filing Certified Transcript of Proceedings (Appellants)
16.	21-May-2015	FILED: Reporter's Transcript of Proceedings 8/29/14 - Jury Trial Day 5 (Kristi K Week) (Appellants)
17.	21-May-2015	FILED: Reporter's Transcript of Proceedings 8/25/14 - Jury Trial Day 1 (Kristi K Week) (Appellants)
18.	21-May-2015	FILED: Reporter's Transcript of Proceedings 8/26/14 - Jury Trial Day 2 (Kristi K Week) (Appellants)
19.	21-May-2015	FILED: Reporter's Transcript of Proceedings 8/27/14 - Jury Trial Day 3 (Kristi K Week) (Appellants)
20.	21-May-2015	FILED: Reporter's Transcript of Proceedings 8/28/14 - Jury Trial Day 4 (Kristi K Week) (Appellant)
21.	23-Jun-2015	FILED: Appellee/Cross Appellant's Notice Re: Cross Appellant's Fee and Case Management Statement Due/Appellant's Brief Due

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59 PROCEEDING ENTRIES

22.	25-Jun-2015	FILED: Plaintiffs/Appellants/Cross-Appellees Motion for Procedural Order to Extend Time for Filing Opening Brief; Certificate of Service Re: Motion for Procedural Order to Extend Time for Filing Opening Brief; Exhibit A (Appellant)
23.	29-Jun-2015	ORDERED: Plaintiffs/Appellants/Cross-Appellees Motion for Procedural Order to Extend Time for Filing Opening Brief; (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 06-30-2015 to Thursday, 07-30-2015. Melina Brill ProTem Judge - Author
24.	30-Jun-2015	FILED: Notice of Payment of Filing Fees; Certificate of Service Re: Notice of Payment of Appellee/Cross-Appellant's Filing Fee (Cross-Appellant)
25.	8-Jul-2015	RECEIPT No.: 2015-00931 ; $280.00, Authorization: #83013837035, Applied to: LLOYD E BANNING, SR. - Class A Filing Fee ($280.00) Paid for: Jennings Strouss & Salmon PLC - By Integrated Resource Systems IN
26.	23-Jul-2015	FILED: Appellee/Cross-Appellant's Case Management Statement (Appellee/Cross-Appellant)
27.	23-Jul-2015	FILED: Certificate of Service Re: Appellee/Cross-Appellant's Case Management Statement (Appellee/Cross-Appellant)
28.	30-Jul-2015	FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service re: Appellants Opening Brief
29.	30-Jul-2015	FILED: Appendix to Appellants/Cross-Appellees-Opening Brief; Certificate of Service re: Appendix to Appellants/Cross-Appellees-Opening Brief (Appellant)
30.	13-Aug-2015	FILED: Motion to Supplement Record on Appeal; Certificate of Service Re: Appellee/Cross-Appellant's Motion to Supplement Record on Appeal (Cross-Appellant)
31.	13-Aug-2015	FILED: Reporter's Transcript of Proceedings 3/29/13 (Peggy M Edens) (Cross-Appellant)
32.	3-Sep-2015	FILED: Motion To Extend Time For Filing Appellee/Cross-Appellant's Answering Brief and Opening Brief on Cross-Appeal; Certificate of Service Re: Appellee/Cross-Appellant's Motion to Extend Time for Filing Combined Answering Brief and Opening Brief on Cross-Appeal (Appellee)
33.	8-Sep-2015	ORDERED: Motion to Supplement Record on Appeal; (Cross-Appellant) = GRANTED and supplementing record on appeal w/ certified transcript of 3/29/13 proceeding. Melina Brill ProTem Judge - Author
34.	8-Sep-2015	ORDERED: Motion To Extend Time For Filing Appellee/Cross-Appellant's Answering Brief and Opening Brief on Cross-Appeal = GRANTED. Due date EXTENDED from Monday, 09-14-2015 to Wednesday, 10-14-2015. Melina Brill ProTem Judge - Author
35.	6-Oct-2015	FILED: Motion to Extend Time for Filing Combined Answering Brief and Opening Brief on Cross-Appeal (Second Request); Certificate of Service RE: Appellee/Cross-Appellant's Motion to Extend Time for Filing Combined Answering Brief and Opening Brief on Cross-Appeal (Second Request) (Cross-Appellant)
36.	7-Oct-2015	ORDERED: Motion to Extend Time for Filing Combined Answering Brief and Opening Brief on Cross-Appeal (Second Request) = GRANTED. Due date EXTENDED from Wednesday, 10-14-2015 to Thursday, 10-22-2015. Melina Brill ProTem Judge - Author
37.	22-Oct-2015	FILED: Appellee/Cross-Appellant's Answering Brief and Opening Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service Re: Appellee/Cross-Appellant's Answering Brief and Opening Brief on Cross-Appeal
38.	4-Dec-2015	FILED: Motion to Extend Time to File Combined Reply in Support of Opening Brief and Answering Brief on Cross Appeal; Certificate of Service (Appellant)
39.	7-Dec-2015	ORDERED: Motion to Extend Time to File Combined Reply (Reply/Cross-Appeal Answer Brief) in Support of Opening Brief and Answering Brief on Cross Appeal (Appellant) = GRANTED. Due date EXTENDED from Monday, 12-07-2015 to Wednesday, 01-06-2016. Melina Brill ProTem Judge - Author
40.	6-Jan-2016	FILED: Appellants' Reply Brief and Cross-Appellees' Answering Brief; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
41.	8-Jan-2016	FILED: Motion to Supplement Record on Appeal; Certificate of Service (Appellant)
42.	19-Jan-2016	FILED: Motion to Extend Time for Filing Reply Brief on Cross-Appeal; Certificate of Service Re: Appellee/Cross-Appellant's Motion to Extend Time for Filing Reply Brief on Cross-Appeal (Cross-Appellant)
43.	21-Jan-2016	ORDERED: Extending the time to file the Cross-Reply Brief to/including 2/22/16. Melina Brill ProTem Judge - Author

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59 PROCEEDING ENTRIES

44.	8-Feb-2016	ORDERED: Motion to Supplement Record on Appeal (Appellant) = DENIED. Hon Donn Kessler - Author
45.	22-Feb-2016	FILED: Appellee/Cross-Appellant's Reply Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service Re: Appellee/Cross-Appellant's Rely Brief on Cross-Appeal
46.	23-Feb-2016	FILED: Request for Oral Argument; Certificate of Service Re: Appellee/Cross-Appellant's Request for Oral Argument (Cross-Appellant)
47.	2-Mar-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
48.	2-Mar-2016	FILED: Request for Oral Argument; Certificate of Service (Appellant)
49.	9-Mar-2016	ORDERED: Request for Oral Argument (Cross-Appellant) and Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
50.	11-Mar-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
51.	11-Mar-2016	FILED: Additional Record on Appeal: Exhibits: HD 8/25/14 - List and # 1 2 3 4 5 6 7 8 9 10 11 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 38 50 63 67 68 74 76 77 78 79 81 84 85 92 in box.
52.	26-Sep-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 11-16-16, 11:00 am, COURTROOM 2.
53.	5-Oct-2016	FILED: Notice of Oral Argument
54.	6-Oct-2016	FILED: Receipt for Notice of Oral Argument, signed by Brian Imbornoni on 10/05/2016 (Appellee/Cross-Appellant)
55.	17-Oct-2016	ORDERED: vacating oral argument in above referenced case currently scheduled for 11/16/2016 at 11:00 a.m. The court further finds that briefs and record adequately present the facts and legal arguments and oral argument would not significantly aid the court in deciding the appeal. This matter will be considered at conference on 11/30/2016 and a written decision will be issued in due course. Hon Andrew W Gould - Author
56.	30-Dec-2016	OPINION (Affirmed in Part, Reversed in Part, Remanded) Hon Andrew W Gould - Author; Hon Peter B Swann - Concur; Hon Patricia A Orozco - Concur
57.	30-Dec-2016	FILED: Opinion Distribution List
58.	10-Jan-2017	FILED: Application for Attorney's Fees; Certificate of Service; Affidavit of Ryan P. Dyches (Appellant)
59.	12-Jan-2017	FILED: Memorandum: Judge Brown for Judge Gould (Chief Judge Brown)

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