

Court of Appeals, Division One
Civil Appeal

1 CA-CV 15-0475

MANIATIS v. MCA et al.

Appellate Case Information Case Filed: 17-Jul-2015 Case Closed:	Dept/Composition Department D Hon. Andrew W Gould Hon. Peter B Swann Hon. Patricia A Orozco
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Consolidated with: 1 CA-CV 13-0131 1 CA-CV 14-0432 1 CA-CV 15-0182 1 CA-CV 15-0413
 1 CA-CV 15-0474 1 CA-CV 15-0514 1 CA-CV 15-0615

Side 1. DAVID P. MANIATIS, individually and as beneficiary of the David Maniatis IRA, and as beneficiary of the Eugenia Hoof IRA, Appellant
(Litigant Group) DAVID P MANIATIS

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| <ul style="list-style-type: none"> ● David P Maniatis AZ Bar No. 5913 [Suspended] SOLE PRACTICER Admitted 10/13/79 | Attorneys for: Appellant
Ronald E Warnicke, Esq. (AZ Bar No. 1791) |
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Side 2. MCA FINANCIAL GROUP, LTD, Court Appointed Receiver, by and through KEITH BIERMAN, Appellee
(Litigant Group) MCA FINANCIAL GROUP LTD

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| <ul style="list-style-type: none"> ● MCA Financial Group LTD ● Keith Bierman | Attorneys for: Receiver/Appellee
Richard M Amoroso, Esq. (AZ Bar No. 10756)
Christina W Kelly, Esq. (AZ Bar No. 19371) |
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(Litigant Group) IMH

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| <ul style="list-style-type: none"> ● IMH Special Asset NT 168 LLC ● IMH Special Asset NT 161 LLC | Attorneys for: Court Ordered Representative IMH
Christopher H Bayley, Esq. (AZ Bar No. 10764)
Benjamin W Reeves, Esq. (AZ Bar No. 25708) |
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CASE STATUS

Sep 28, 2016....Under Advisement

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2010-010943	Deficiency and Breach of Guaranty		Katherine M Cooper, Authoring Judge of Order		
MAR CV2010-010990					

52 PROCEEDING ENTRIES

1. 17-Jul-2015 FILED: Index of Record, Notice of Appeal (of 5/26/15 Order) from Maricopa County Superior Court filed 06/19/15
2. 17-Jul-2015 FILED: e-Record on Appeal (CV2010-010943):
Instruments/Minute Entries
Exhibits - not sent at this time
3. 23-Jul-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries
4. 28-Jul-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
5. 10-Aug-2015 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
6. 13-Aug-2015 RECEIPT No.: 2015-01120 ; \$280.00, Authorization: #24021960049, Applied to: DAVID P MANIATIS - Class A Filing Fee (\$280.00) Paid for: Ronald E Warnicke - By Integrated Resource Systems IN
7. 17-Aug-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
8. 17-Aug-2015 FILED: Case Management Statement (Appellant)
9. 28-Sep-2015 FILED: Appellant David P Maniatis' Opening Brief; Certificate of Compliance; Certificate of Service
10. 1-Oct-2015 FILED: Motion for a Procedural Order to Cosolidate Appeals: 1 CA CV 15-0475 and 1 CA CV 15-0615; Certificate of Service (Appellant)

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52 PROCEEDING ENTRIES

11. 6-Oct-2015 FILED: Appellee's Response to Appellant's Motion for Procedural Order to Consolidate Appeals 15-0475 and 15-0615 -AND- Appellees' Motion to: (1) Further Consolidate Appeals 15-0475 and 15-0615 with 13-0131; (2) Stay Briefing on Merits of Appeals Pending Motion to Dismiss or Alternatively (3) Dismiss 1 CA CV 15-0475 and 1 CA CV 15-0615 as Moot; Certificate of Service (Appellee)
12. 6-Oct-2015 FILED: Notice of Appearance By IMH Special Asset NT 168, LLC and IMH Special Asset NT 11, LLC as Court Ordered Representative for Appellee MCA Financial Group, Ltd.; Certificate of Mailing (Appellee)
13. 9-Oct-2015 RECEIPT No.: 2015-01411 ; \$140.00, Authorization: #81010814486, Applied to: IMH - Class B Filing Fee (\$140.00) Paid for: Snell & Wilmer LLP - By Integrated Resource Systems IN
14. 15-Oct-2015 FILED: Reply in Support of Appellant's Motion for Procedural Order to Consolidate Appeals 1 CA CV 15-0475 and 1 CA CV 15-0615; Certificate of Service (Appellant)
15. 19-Oct-2015 RECEIPT No.: 2015-01453 ; \$140.00, Check Number: #407725, Applied to: IMH - Class B Filing Fee (\$140.00) Paid for: Snell & Wilmer LLP - By Snell & Wilmer LLP
16. 19-Oct-2015 RECEIPT No.: 2015-01454 ; \$140.00, Check Number: 407725, Applied to: IMH - Overpayment Class B (\$140.00) Paid for: Snell & Wilmer LLP - By Snell & Wilmer LLP (Memo: ref 2015-01411 overpayment 2015-01453)
17. 19-Oct-2015 VOID RECEIPT No.: 2015-01453 - \$-140.00, Check Number: #407725, - Applied to: IMH - Class B Filing Fee (\$-140.00) Paid for: Snell & Wilmer LLP - By: Snell & Wilmer LLP VOID Reason: X-REF 2015-01454 incorrect receivable overpayment of 2015-01411. alc
18. 22-Oct-2015 FILED: Appellees' Motion for Extension of Time to File Response Briefs in Case Nos. 1 CA-CV 15-0475 and 1 CA-CV 15-0615; Certificate of Mailing (Appellee)
19. 27-Oct-2015 ORDERED: Appellees' Motion for Extension of Time to File Response Briefs in Case Nos. 1 CA-CV 15-0475 and 1 CA-CV 15-0615 (Appellee) = GRANTED and vacating 11/16/15 due date for answering brief. Order ruling on pending motions to consolidate appeals will address due date for answering brief. Melina Brill ProTem Judge - Author
20. 5-Nov-2015 FILED: Reply in Support of Appellees' Motion to: (1) Further Consolidate Appeals 15-0475 and 15-0615 with 13-0131; (2) Stay Briefing on Merits of Appeals Pending Motion to Dismiss; or Alternatively (3) Dismiss 15-0475 and 15-0615 as Moot; Certificate of Mailing (Appellee)
21. 16-Nov-2015 ORDERED: granting motions to consolidate and consolidating cases 1 CA-CV 15-0475 and 1 CA-CV 15-0615 with 1 CA-CV 13-0131. Case No. 1 CA-CV 13-0131 is designated primary number. FURTHER ORDERED: Opening brief filed in 1 CA-CV 15-0475 shall also apply to appeal 1 CA-CV 15-0615. FURTHER ORDERED: Granting motion to stay briefing. Order ruling on pending motion to dismiss will address briefing schedule, if motion to dismiss is denied. Melina Brill ProTem Judge - Author
22. 18-Nov-2015 FILED: Letter, 11/18/2015, From Court to Snell & Wilmer LLP Re: Refund of Monies Submitted in Error
23. 24-Nov-2015 FILED: Returned US Mail, Order filed 11/16/15, addressed to Aperion Communities LLLP, Insufficient Address - Unable to Forward
24. 25-Nov-2015 ORDERED: Appellees' Motion to Dismiss Appeals = GRANTED IN PART and dismissing portion of appeal 1 CA-CV 14-0432. FURTHER ORDERED: dismissing appeals 1 CA-CV 14-0833, 1 CA-CV 14-0860, 1 CA-CV 14-0861, 1 CA-CV 15-0079, and 1 CA-CV 15-0081. FURTHER ORDERED: denying remainder of motion to dismiss appeals. FURTHER ORDERED: amending caption in this appeal as shown on this order. FURTHER ORDERED: court will consider appeal 1 CA-CV 13-0131 before remaining appeals. FURTHER ORDERED: opening brief(s) in appeal 1 CA-CV 13-0131 due on/before 1/22/2016. FURTHER ORDERED: staying briefing in the remaining appeals pending further order of this court. Hon Andrew W Gould - Author
25. 17-Dec-2015 FILED: Notice of Withdrawal of Counsel for Party in Interest/Appellant MW2 Investments, LLC; Certificate of Service (Appellant)
26. 31-Dec-2015 FILED: Motion to Withdraw as Attorney of Record; Certificate of Service; Court of Appeals - Order re Motion to Withdraw (Appellee)
27. 14-Jan-2016 FILED: Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
28. 19-Jan-2016 ORDERED: Motion to Extend Time to File Opening Brief (Appellant) = GRANTED (all opening briefs). Due date EXTENDED from Friday, 01-22-2016 to Friday, 02-19-2016 Melina Brill ProTem Judge - Author
29. 25-Jan-2016 ORDERED: Motion to Withdraw as Attorney of Record (Attorney Jeffrey J Goulder) (Appellees IMH Special Asset NT 168, et al.) = GRANTED. Barbara Vidal Vaught ProTem Judge - Author
30. 4-Feb-2016 FILED: Returned US Mail, Order re: Extension of Time dated 2/4/16, addressed to Aperion Communities, Return to Sender - Undeliverable

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52 PROCEEDING ENTRIES

31. 19-Feb-2016 FILED: Appendix to Opening Brief; Exhibit 1; Exhibit 2; Exhibits 3 - 6 (Appellants Eladio, et al.)
32. 19-Feb-2016 FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Eladio, et al.)
33. 19-Feb-2016 FILED: Motion to Extend Word Limitation for Opening Brief; Certificate of Service (Appellant)
34. 23-Feb-2016 ORDERED: Motion to Extend Word Limitation for Opening Brief (Appellant) = GRANTED and accepting opening brief filed on 2/19/16. FURTHER ORDERED: granting appellees leave to file an answering brief not to exceed 16,300 words. Hon Michael J Brown - Author
35. 4-Apr-2016 FILED: Answering Brief of Appellees IMH Special Asset NT 161, LLC and IMH Special Asset NT 168, LLC; Certificate of Compliance; Certificate of Service
36. 4-Apr-2016 FILED: Answering Brief of Receiver/Appellee David M Reaves; Certificate of Compliance; Certificate of Service
37. 4-Apr-2016 FILED: Appellee's Appendix Volume 1 (Appellees IMH Special Asset NT 161, LLC and IMH Special Asset NT 168, LLC)
38. 4-Apr-2016 FILED: Appellee's Appendix Volume 2 (Appellees IMH Special Asset NT 161, LLC and IMH Special Asset NT 168, LLC)
39. 21-Apr-2016 FILED: Motion to Extend Time to file Reply Brief; Certificate of Service (Appellant)
40. 25-Apr-2016 ORDERED: Motion to Extend Time to file Reply Brief; (Appellant) = GRANTED for all reply briefs. Due date EXTENDED from Monday, 05-02-2016 to Monday, 05-23-2016. Melina Brill ProTem Judge - Author
41. 27-Apr-2016 FILED: Motion to Strike Answering Brief of Reciver David M. Reaves; Certificate of Service (Appellant)(Duplicate)
42. 9-May-2016 FILED: Appellees IMH Special Asset NT 161, LLC and IMH Special Asset NT 168, LLC Response to Motion to Strike Answering Brief of David M. Reaves; Certificate of Service (Appellee)
43. 9-May-2016 FILED: Receiver/Appellee David M. Reaves Response and Opposition to Motion to Strike Answering Brief of David M. Reaves; Certificate of Service (Appellee)
44. 12-May-2016 FILED: Returned US Mail, Order RE: Extension of Time - Reply Briefs dated 04/25/2016, addressed to Aperian Communities LLLP, Undeliverable
45. 23-May-2016 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant Maniati)
46. 31-May-2016 ORDERED: Motion to Strike Answering Brief of Receiver David M. Reaves (Appellant) = DENIED. Hon Andrew W Gould - Author
47. 7-Jun-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
48. 8-Jun-2016 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellants Eladio)
49. 17-Jun-2016 FILED: Additional Record on Appeal
Exhibits: HD 10/12/12 - LIST# 1 6 7 9 10 14 16 18 19 20 21 22 23 24 34 in a manila envelope; HD 9/18/13 - LIST# 12 13 17 23 24 27 28 31 35 36 40 42 43 44 45 60 in a manila envelope; HD 9/19/13 - LIST# 1 2 in manila envelope; HD 11/14/13 - LIST# 1 3 5 7 14 15 in a manila envelope; HD 1/15/14 - LIST# 1 3 4 7 9 13 15 16 17 18 20 21 41 42 43 44 46 52 53 72 73 81 99 104 in a manila envelope; HD 6/3/14 - LIST# 5 6 13 14 16 17 18 19 21 23 25 27 in manila envelope; HD 10/23/15 - LIST# 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 in manila envelope
50. 23-Jun-2016 FILED: Joint Motion to Strike David P. Maniatis' Second Reply; Certificate of Mailing (Appellee)
51. 7-Jul-2016 CLNDR: CONFERENCE, Department D, 9-28-16, COURTROOM 2.
52. 15-Jul-2016 ORDERED: Joint Motion to Strike David P. Maniatis' Second Reply; Certificate of Mailing (Appellee) = DENIED. Hon Andrew W Gould - Author