Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0532 NEVENS et al. v. AZHH LLC

Appellate Case Information

Case Filed: 12-Aug-2015

Case Closed:

Dept/Composition

Department D

Hon. Diane M Johnsen
Hon. Margaret H Downie
Hon. John C Gemmill

Side 1. In re the Matter of the Conservatorship for:

CATHIE HARDT,

An Adult. _____
LORRIE NEVENS, Special Conservator for Cathie Hardt, on behalf of Cathie Hardt; and LORRIE NEVENS; and JEFFREY NEVENS, Plaintiff/Appellant

(Litigant Group) LORRIE NEVENS et al.

- **Lorrie Nevens**
- **Cathie Hardt**
- **Jeffrey Nevens**

Co-Counsel for: Plaintiffs/Appellants

Martin J Solomon, Esq. (AZ Bar No. 2616)
Kevin J McAlonan, Esq. (AZ Bar No. 13323)
John C Breslo, Esq. (AZ Bar No. 14972)

Side 2. AZHH, LLC, an Arizona limited liability company formerly known as Arizona Heart Hospital, LLC, Defendant/Appellee

(Litigant Group) AZHH LLC

- **AZHH LLC**

Attorneys for: Defendant/Appellee

James K Kloss, Esq. (AZ Bar No. 10327)
Joelle C Sharman, Esq. (AZ Bar No. P198564)

CASE STATUS

Jan 31, 2017....Decision Rendered

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	PB2009-002468	Petition for Appointment of Special Conservator		Edward W Bassett, Authoring Judge of Order		

3 OPEN DUE DATES

Motion for Reconsideration due **Due By:** Wednesday, February 15, 2017

Re: MEMORANDUM DECISION (Reversed, Remanded) Hon Margaret H Downie - Author; Hon Diane M Johnsen - Concur; Hon John C Gemmill - Concur

Response to Costs due **Due By:** Tuesday, February 21, 2017

Re: FILED: Statement of Costs; Certificate of Service (Appellant)

Petition for Review to ASC due **Due By:** Thursday, March 2, 2017

Re: MEMORANDUM DECISION (Reversed, Remanded) Hon Margaret H Downie - Author; Hon Diane M Johnsen - Concur; Hon John C Gemmill - Concur

PENDING MATTER

General Motion Filed: 2-Feb-2017

Statement of Costs (Appellant)

CASE DECISION

31-Jan-2017 MEMORANDUM DECISION

Margaret Downie.....Author
Diane Johnsen.....Concur
John Gemmill.....Concur

Filed: **31-Jan-2017** Mandate:

Decision Disposition
Reversed
Remanded

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 15-0532 NEVENS et al. v. AZHH LLC

48 PROCEEDING ENTRIES

1.	12-Aug-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/14/15
2.	12-Aug-2015	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3.	19-Aug-2015	FILED: Notice to Parties re: Appellants' Fee/Case Management Statement/Brief Due
4.	1-Sep-2015	RECEIPT No.: 2015-01219 ; $280.00, Check Number: 034375, Applied to: LORRIE NEVENS et al. - Class A Filing Fee ($280.00) Paid for: Solomon & Relihan PC - By Solomon & Relihan PC
5.	8-Sep-2015	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
6.	8-Sep-2015	FILED: Case Management Statement; Judgment filed 4/3/15; Minute entry filed 6/17/15 re: denying new trial (Appellant)
7.	14-Sep-2015	RECEIPT No.: 2015-01273 ; $140.00, Check Number: 100733, Applied to: AZHH LLC - Class B Filing Fee ($140.00) Paid for: - By Lewis Brisbois Bisgaard & Smith LLP
8.	30-Sep-2015	FILED: Appellants' Notice of Filing Transcripts; Reporter's Transcript of Proceedings 11/14/14 (Debra Riggs Torres); Reporter's Transcript of Proceedings 12/1/14 (Jennifer Pancratz); Reporter's Transcript of Proceedings 12/2/14 (Jennifer Pancratz)
9.	30-Sep-2015	FILED: Reporter's Transcript of Proceedings 6/15/15 (Renee A Mobley) (Appellant)
10.	30-Sep-2015	FILED: Reporter's Transcript of Proceedings 12/4/14 (Jennifer Pancratz); Reporter's Transcript of Proceedings 12/8/14 (Debra Riggs Torres); Reporter's Transcript of Proceedings 12/9/14 (Jennifer Pancratz); Reporter's Transcript of Proceedings 12/11/14 (Jennifer Pancratz) (Appellant)
11.	1-Oct-2015	FILED: Appellants' Motion for Procedural Order to Extend Time for Filing Opening Brief; Certificate of Service (Appellant)
12.	2-Oct-2015	FILED: Reporter'sTranscript of Proceedings - 12/08/2014 - Jury Trial (Monica S Hill-Morrisette)
13.	2-Oct-2015	ORDERED: Staying appeal to/including 11/16/2015 and revesting jurisdiction in Maricopa County Superior Court. FURTHER ORDERED: Superior Court shall rule on application in furtherance of appeal. FURTHER ORDERED: If application granted, appellant shall file judgment within 10 days after entry, automatically reinstating appeal. FURTHER ORDERED: If appeal not reinstated by filing of judgment by 11/16/2015, appellant shall file request to continue or dismissal. FURTHER ORDERED: If judgement filed prior to 11/16/2015, opening brief due 12/16/2015. Melina Brill ProTem Judge - Author
14.	5-Oct-2015	ORDERED: Appellants' Motion for Procedural Order to Extend Time for Filing Opening Brief (Appellant) = DENIED. Melina Brill ProTem Judge - Author
15.	6-Oct-2015	FILED: Appellants' Notice of Filing Additional Transcripts; Certificate of Service (Appellant)
16.	6-Oct-2015	FILED: Reporter's Transcript - 12/03/14 - Trial Day 3 (Linda Lopez) (Appellant)
17.	6-Oct-2015	FILED: Reporter's Transcript - 12/05/14 - Trial Day 5 (Linda Lopez) (Appellant)
18.	6-Oct-2015	FILED: Reporter's Transcript - 12/08/14 - Trial (Monica S Hill-Morrisette) (Appellant)
19.	6-Oct-2015	FILED: Reporter's Transcript - 12/10/14 - Jury Trial/Closing Statements (Linda C Lopez) (Appellant)
20.	14-Oct-2015	FILED: Appellants' Notice of Filing 10/06/2015 Judgment; Certificate of Service; Signed Final Judgment filed 10/6/15
21.	16-Oct-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Minute Entry filed 10/9/15 re: Final Judgment pursuant to Rule 54(c))
22.	16-Dec-2015	FILED: Reporter's Transcript – 12/04/2014 - Excerpt from Jury Trial (Debra Riggs Torres) (Appellant)
23.	16-Dec-2015	FILED: Appellants' Notice of Filing Additional Transcript; Certificate of Service (Appellant)
24.	16-Dec-2015	FILED: Opening Brief of Plaintiffs/Appellants Nevens and Hardt; Certificate of Compliance for Opening Brief of Plaintiffs/Appellants Nevens and Hardt; Certificate of Service for Opening Brief of Plaintiffs/Appellants Nevens and Hardt
25.	16-Dec-2015	FILED: Appendix to Opening Brief of Plaintiffs/Appellants Nevens and Hardt (Appellant)

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48 PROCEEDING ENTRIES

26.	20-Jan-2016	FILED: Stipulation for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
27.	21-Jan-2016	ORDERED: Extending the time to file the Answering Brief to/including 2/24/16. Melina Brill ProTem Judge - Author
28.	22-Jan-2016	FILED: Courtesy Copy of Stipulation for Extension of Time to File Answering Brief (Appellee)
29.	24-Feb-2016	FILED: Answering Brief of Defendant Appellee AZHH LLC; Certificate of Compliance; Certificate of Service
30.	7-Mar-2016	FILED: Stipulation and Appellant's Motion for Procedural Order to Extend Time for Filing Reply Brief; Certificate of Service for Stipulation and Appellant's Motion for Procedural Order to Extend Time for Filing Reply Brief (Appellant)
31.	8-Mar-2016	ORDERED: Stipulation and Appellants Motion for Procedural Order to Extend Time for Filing Reply Brief; (Appellant) = GRANTED. Due date EXTENDED from Monday, 03-21-2016 to Wednesday, 03-30-2016. Barbara Vidal Vaught ProTem Judge - Author
32.	30-Mar-2016	FILED: Request for Oral Argument; Certificate of Service (Appellant)
33.	30-Mar-2016	FILED: Reply Brief of Plaintiffs/Appellants Nevens and Hardt; Certificate of Compliance for Reply Brief of Plaintiffs/Appellants Nevens and Hardt; Certificate of Service of Reply Brief of Plaintiffs/Appellants Nevens and Hardt
34.	7-Apr-2016	FILED: Request for Oral Argument; Certificate of Service (Appellee)
35.	3-May-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
36.	11-May-2016	ORDERED: Request for Oral Argument (Appellant) and Request for Oral Argument; Certificate of Service (Appellee) = GRANTED. Hon Michael J Brown - Author
37.	12-May-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
38.	13-May-2016	FILED: Additional Record on Appeal: Exhibits: HD 4/6/11 - List and # 1 2 3 4 5 6 7 8 9 10 in manila envelope; HD 12/1/14 - List and # 1 5 8 16 24 31 34 41 42 46 47 59 62 63 64 65 66 67 68 69 70 71 79 80 81 82 83 84 85 86 87 88 89 90 91 92 108 132 155 156 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 197 198 in large box.
39.	14-Jun-2016	FILED: Motion to Appear Pro Hac Vice; Certificate of Service; Attachment to Motion to Appear Pro Hac Vice; Order re: Motion to Appear Pro Hac Vice (Appellee)
40.	6-Jul-2016	ORDERED: Motion to Appear Pro Hac Vice (Appellee) = GRANTED/permitting attorney Joelle C. Sharman of Lewis Brisbois Bisgaard & Smith, LLP, to appear pro hac vice as co-counsel for appellee. Melina Brill ProTem Judge - Author
41.	28-Nov-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 1-18-17, 11:00 am, COURTROOM 2.
42.	1-Dec-2016	FILED: Notice of Oral Argument
43.	5-Dec-2016	FILED: Receipt for Notice of Oral Argument, signed by Joelle C Sharman on 12/01/2016 (Appellee)
44.	5-Dec-2016	FILED: Receipt for Notice of Oral Argument, signed by John C Breslo, Esq. on 12/02/2016 (Appellants)
45.	18-Jan-2017	FILED: Sign-in Sheet/Case is Under Advisement as of 01/18/2017 (Dept D)
46.	31-Jan-2017	MEMORANDUM DECISION (Reversed, Remanded) Hon Margaret H Downie - Author; Hon Diane M Johnsen - Concur; Hon John C Gemmill - Concur
47.	31-Jan-2017	FILED: Memorandum Decision Distribution List
48.	2-Feb-2017	FILED: Statement of Costs; Certificate of Service (Appellant)

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