

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0538

TRIYAR v. REM et al.

Appellate Case Information

Case Filed: 13-Aug-2015
Case Closed:

Dept/Composition

Department C

Hon. Peter B Swann
Hon. Kent E Cattani
Hon. Donn Kessler

Side 1. TRIYAR CAPITAL, L.L.C., an Arizona limited liability corporation, Plaintiff/Appellee

(Litigant Group) TRIYAR CAPITAL LLC

- Triyar Capital LLC

Co-Counsel for: Plaintiff/Appellee Triyar

Richard L Cobb, Esq. (AZ Bar No. 11427)
Joseph J Glenn, Esq. (AZ Bar No. 23228)
James T Braselton, Esq. (AZ Bar No. 10788)
Michael J Plati, Esq. (AZ Bar No. 16705)
Hank E Pearson, Esq. (AZ Bar No. 14593)

Side 2. REM INVESTMENT COMPANY, an Arizona general partnership; SAMUEL J. SUTTON, a married man; ANNE V. SUTTON, a married woman; JAMES VAN DOLAH and JANE DOE VAN DOLAH, husband and wife; ASPEN RESEARCH LTD., an Arizona corporation, Defendant/Appellant

(Litigant Group) REM INVESTMENT CO et al.

- REM Investment Company
Mr Samuel J Sutton, Jr
AZ Bar No. 2513
[Suspended]
Admitted 4/13/70
Anne V Sutton
James Van Dolah

Attorneys for: Defendants/Appellants REM et al.

Taylor C Young, Esq. (AZ Bar No. 20743)

(Litigant Group) ASPEN RESEARCH LTD

- Aspen Research LTD

Attorneys for: Defendant/Appellant Aspen Research

Amy M Wilkins, Esq. (AZ Bar No. 22762)

CASE STATUS

Nov 28, 2016...Assigned

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Includes rows for MAR CV2003-016817 and MAR CV2010-005058.

CALENDAR

Thursday MONTHLY COURT CASE CALENDAR
23-Feb-2017 Department C; COURTROOM 1
10:00 AM

71 PROCEEDING ENTRIES

- 1. 13-Aug-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/15/15 (Aspen Research); Notice of Appeal from Maricopa County Superior Court filed 7/16/15 (REM et al.)
2. 13-Aug-2015 FILED: e-Record on Appeal (CV2010-005058): Instruments/Minute Entries Exhibits - not sent at this time
3. 13-Aug-2015 FILED: e-Record on Appeal (CV2003-016817): Instruments/Minute Entries
4. 20-Aug-2015 FILED: Notice to Parties re: Appellants' Fees/Case Management Statements/Briefs Due

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5. 25-Aug-2015 FILED: Notice of Payment of Appellants' Filing Fee; Certificate of Service (Appellants REM, et al)
6. 27-Aug-2015 RECEIPT No.: 2015-01192 ; \$280.00, Authorization: #38016036612, Applied to: REM INVESTMENT CO et al. - Class A Filing Fee (\$280.00) Paid for: Mandel Young PLC - By Integrated Resource Systems IN
7. 31-Aug-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
8. 2-Sep-2015 FILED: Notice of Payment of Appellant Aspen Research's Filing Fee; Certificate of Service
9. 2-Sep-2015 RECEIPT No.: 2015-01228 ; \$140.00, Check Number: 17730, Applied to: TRIYAR CAPITAL LLC - Class B Filing Fee (\$140.00) Paid for: - By Lake & Cobb PLC
10. 4-Sep-2015 RECEIPT No.: 2015-01241 ; \$280.00, Authorization: #46013166375, Applied to: ASPEN RESEARCH LTD - Class A Filing Fee (\$280.00) Paid for: Wilkins Law Firm PLLC - By Integrated Resource Systems IN
11. 9-Sep-2015 FILED: Aspen Research's Notice of Filing Transcripts; Certificate of Service (Appellant)
12. 9-Sep-2015 FILED: Reporter's Transcript of Proceedings 4/28/08 (Peggy M Edens) (Appellant Aspen)
13. 9-Sep-2015 FILED: Reporter's Transcript of Proceedings 5/13/13 (Cindy Benner) (Appellant Aspen)
14. 9-Sep-2015 FILED: Reporter's Transcript of Proceedings 10/11/13 (Renee J Hunter) (Appellant Aspen)
15. 9-Sep-2015 FILED: Case Management Statement (Appellant REM et al)
16. 9-Sep-2015 FILED: Case Management Statement (Appellant Aspen et al.)
17. 28-Sep-2015 FILED: Notice of Filing and Serving Transcripts; Certificate of Service (Appellant)
18. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 9/4/12 (Robin G Bobbie) (Appellant)
19. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 11/4/14 (Dawn Carrero) (Appellant)
20. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 11/5/14 (Matthew Smith) (Appellant)
21. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 8/13/07 (Tara L Kramer) (Appellant)
22. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 6/13/08 (Debora Mitchell) (Appellant)
23. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 7/29/08 (Tracy Werkheiser) (Appellant)
24. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 9/19/08 (Jennifer L Lindeman) (Appellant)
25. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 11/19/08 (Matthew Smith) (Appellant)
26. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 1/29/09 (Tracy Werkheiser) (Appellant)
27. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 11/2/12 (Amy E Weaver) (Appellant)
28. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 7/2/13 (Karen Noland) (Appellant)
29. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 11/4/13 (Sandra J Worrell) (Appellant)
30. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 2/21/14 (Janice Penfield) (Appellant)
31. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 4/28/14 (Dorothy Gravelle) (Appellant)
32. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 8/26/14 (Karen Noland) (Appellant)
33. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 11/3/14 (Donna Limerick) (Appellant)
34. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 6/11/09 (Cathy K Dowell) (Appellant)
35. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 8/5/09 (Cathy K Dowell) (Appellant)
36. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 8/28/09 (Cathy K Dowell) (Appellant)
37. 28-Sep-2015 FILED: Reporter's Transcript of Proceedings 10/12/10 (Cathy K Dowell) (Appellant)

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38. 13-Oct-2015 FILED: Unopposed Motion for Extension of Time to File Opening Brief (REM); Certificate of Service (Appellant)
39. 13-Oct-2015 FILED: Aspen Research's Joinder in Defendants/Appellants' Motion for Extension of Time to File Opening Brief and Motion for Extension of Time; Certificate of Service (Appellant)
40. 14-Oct-2015 ORDERED: granting motions and extending time for filing all opening briefs to/including 11/18/15. Barbara Vidal Vaught ProTem Judge - Author
41. 16-Nov-2015 FILED: Aspen Research's Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
42. 16-Nov-2015 FILED: REM Investment Company, Samuel J. Sutton, Anne V. Sutton, and James Van Dolah's Joinder in Aspen Research's Second Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
43. 17-Nov-2015 ORDERED: Aspen Research's Motion for Extension of Time to File Opening Brief (Appellant) and REM Investment Company, Samuel J. Sutton, Anne V. Sutton, and James Van Dolah's Joinder in Aspen Research's Second Motion for Extension of Time to File Opening Brief (Appellant) = DENIED. FURTHER ORDERED: Opening briefs shall be filed on/before 11/30/15. If not filed on/before 11/30/15, court will dismiss this appeal. Melina Brill ProTem Judge - Author
44. 30-Nov-2015 FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Aspen Research, Ltd)
45. 30-Nov-2015 FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellants REM Investment, et al.)
46. 30-Nov-2015 FILED: Appendix to Opening Brief (Appellant)
47. 5-Jan-2016 FILED: Triyar's Unopposed Motion for Extension of Time to file Opening Briefs; Certificate of Service (Appellee)
48. 5-Jan-2016 FILED: Triyar's Corrected Unopposed Motion for Extension of Time to file Triyar Capital, LLC's Response Briefs; Certificate of Service (Appellee)
49. 6-Jan-2016 ORDERED: Triyar's Unopposed Motion for Extension of Time to file Opening Briefs (Appellee) = GRANTED. Answering Brief due dates EXTENDED from Tuesday, 01-19-2016 to Thursday, 02-18-2016. If possible, appellee may file one answering brief to both opening briefs. Melina Brill ProTem Judge - Author
50. 18-Feb-2016 FILED: Answering Brief of Triyar Capital, L.L.C.; Rule 14 Certificate of Compliance; Certificate of Service (Appellee)
51. 10-Mar-2016 FILED: Unopposed Joint Motion for Extension of Time to File Reply Brief; Certificate of Service (Appellant)
52. 11-Mar-2016 ORDERED: Extending the time for filing all Reply Briefs to/including 4/4/16. Barbara Vidal Vaught ProTem Judge - Author
53. 4-Apr-2016 FILED: Motion for Extension of Time to File Reply Brief Second Request; Certificate of Service (Appellant)
54. 5-Apr-2016 ORDERED: Motion for Extension of Time to File Reply Brief Second Request (Appellant) = GRANTED (for all reply briefs). Due date EXTENDED from Monday, 04-04-2016 to Thursday, 04-14-2016. Barbara Vidal Vaught ProTem Judge - Author
55. 14-Apr-2016 FILED: Request for Oral Argument; Certificate of Service (Appellant)
56. 14-Apr-2016 FILED: Aspen Research Ltd.'s Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
57. 14-Apr-2016 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellants REM et al.)
58. 21-Apr-2016 FILED: Notice of Errata; Certificate of Service (Appellant Aspen Research)
59. 3-May-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
60. 11-May-2016 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
61. 12-May-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
62. 13-May-2016 FILED: Additional Record on Appeal:
Exhibits: HD 4/28/14 - List and # 3 11 12 14 20 21 26 31 in manila envelope; HD 11/3/14 - List and # 1 2 3 4 5 6 10 11 12 15 16 21 22 23 24 25 30 31 32 33 35 42 43 48 49 50 53 54 55 56 56 59 60 62 63 64 65 66 67 68 69 70 71 72 73 74 77 78 79 80 82 84 85 87 88 89 90 92 93 95 96 97 98 99 107 108 109 110 111 112 123 125 128 in white box.

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63. 17-Jun-2016 FILED: Notice of Change of Law Firm Address and Phone Numbers; Certificate of Service (Appellants)
64. 28-Nov-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 1-18-17, 11:00 am, COURTROOM 1.
65. 30-Nov-2016 FILED: Notice of Oral Argument
66. 16-Dec-2016 FILED: Receipt for Notice of Oral Argument, signed by Richard L Cobb on 11/30/2016 (Appellee Triyar)
67. 16-Dec-2016 FILED: Receipt for Notice of Oral Argument, signed by Taylor C Young on 11/30/2016 (Appellants REM et al.)
68. 20-Dec-2016 ORDERED: vacating oral argument in the above referenced case currently scheduled for 01/18/2017 at 11:00 a.m. FURTHER ORDERED: resetting oral argument in this matter for 01/18/2017 at 10:15 a.m. before Department C in Courtroom 1 of the State Courts Building. Each side is allocated twenty minutes within which to present oral argument. Hon Peter B Swann - Author
69. 10-Jan-2017 FILED: Aspen Research's Notice of Intent to Cede Oral Argument Time to Co-Appellants; Certificate of Service (Appellant)
70. 11-Jan-2017 FILED: Aspen Research's Notice of Errata; Certificate of Service (Appellant Aspen Research)
71. 11-Jan-2017 ORDERED: vacating oral argument in the above referenced case currently scheduled for 01/18/2017 at 10:15 a.m. FURTHER ORDERED: resetting oral argument in this matter for 02/23/2017 at 10:00 a.m. before Department C in Courtroom 1. Each side is allocated twenty minutes within which to present oral argument. Hon Peter B Swann - Author