

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 15-0562**

**FIRST v. SUNNYSLOPE et al.**

<b>Appellate Case Information</b> Case Filed: 25-Aug-2015 Case Closed:	<b>Dept/Composition</b> <b>Department E</b> Hon. Kent E Cattani Hon. Lawrence F Winthrop Hon. Rebecca White Berch
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**Side 1. FIRST SOUTHERN NATIONAL BANK, Plaintiff/Appellee**  
(Litigant Group) FIRST SOUTHERN NATIONAL BANK

<ul style="list-style-type: none"> <li>First Southern National Bank</li> </ul>	<b>Attorneys for: Plaintiff/Appellee</b> John R Clemency, Esq. (AZ Bar No. 9646) Janel M Glynn, Esq. (AZ Bar No. 25497)
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**Side 2. SUNNYSLOPE HOUSING LIMITED PARTNERSHIP, Defendant/Appellee**  
(Litigant Group) SUNNYSLOPE HOUSING LIMITED PARTNERSHIP

<ul style="list-style-type: none"> <li>Sunnyslope Housing Limited Partnership</li> </ul>	<b>Attorneys for: Defendant/Appellee</b> Susan M Freeman, Esq. (AZ Bar No. 4199) Justin James Henderson, Esq. (AZ Bar No. 26930)
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**Side 3. PAUL MASHNI, as court appointed receiver, Appellant**  
(Litigant Group) PAUL MASHNI

<ul style="list-style-type: none"> <li>Paul Mashni</li> </ul>	<b>Attorneys for: Receiver/Appellant</b> John M O'Neal, Esq. (AZ Bar No. 15945) Brian Sirower, Esq. (AZ Bar No. 12354) Jason D Curry, Esq. (AZ Bar No. 26511)
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**CASE STATUS**

Dec 13, 2016....**Decision Rendered**

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2010-028618	Motion for Order Approving Receiver's Final Report et al.		Douglas Gerlach, Authoring Judge of Order		

**2 OPEN DUE DATES**

**Motion for Reconsideration due** **Due By:** Wednesday, December 28, 2016

*Re: MEMORANDUM DECISION (Reversed, Remanded) Hon. Rebecca White Berch - Author; Hon Kent E Cattani - Concur; Hon Lawrence F Winthrop - Concur*

**Petition for Review to ASC due** **Due By:** Thursday, January 12, 2017

*Re: MEMORANDUM DECISION (Reversed, Remanded) Hon. Rebecca White Berch - Author; Hon Kent E Cattani - Concur; Hon Lawrence F Winthrop - Concur*

**CASE DECISION**

13-Dec-2016	<b>MEMORANDUM DECISION</b>	Filed: <b>13-Dec-2016</b>	Mandate:
	Rebecca Berch.....Author		
	Kent Cattani.....Concur		
	Lawrence Winthrop.....Concur		
Decision Disposition			
<b>Reversed</b>			
<b>Remanded</b>			

**30 PROCEEDING ENTRIES**

- 25-Aug-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/27/15
- 25-Aug-2015 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
- 2-Sep-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due

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**30 PROCEEDING ENTRIES**

4. 8-Sep-2015 FILED: Notice of Payment of Receiver/Appellant's Filing Fee; Certificate of Service of Notice of Payment of Receiver/Appellant's Filing Fee
5. 9-Sep-2015 FILED: Notice of Filing and Service of Transcript; Reporter's Transcript of Proceedings 5/15/15 (Bonnie Furlong); Certificate of Service (Appellant)
6. 10-Sep-2015 FILED: Case Management Statement; Minute entry re: Under Advisement Ruling, Final Order filed 7/14/15; Order granting Receiver's Motion for Limited Relief from the Automatic Stay to Wind up Affairs of Receivership Estate (Appellant)
7. 11-Sep-2015 RECEIPT No.: 2015-01262 ; \$280.00, Authorization: #53017514034, Applied to: PAUL MASHNI - Class A Filing Fee (\$280.00) Paid for: Quarles & Brady LLP - By Integrated Resource Systems IN
8. 21-Sep-2015 FILED: Appellee's Notice re: Both Appellees Fees Due/Appellant's Brief Due
9. 23-Sep-2015 FILED: Letter, 9/23/15, to Court from Appellee's Counsel re: submission of filing fee (Appellee Sunnyslope Housing)
10. 29-Sep-2015 RECEIPT No.: 2015-01347 ; \$140.00, Authorization: #71018064851, Applied to: SUNNYSLOPE HOUSING LIMITED PARTNERSHIP - Class B Filing Fee (\$140.00) Paid for: Lewis Roca Rothgerber LLP - By Integrated Resource Systems
11. 2-Nov-2015 FILED: Appellant's Opening Brief; Certificate of Compliance for Appellant's Opening Brief; Certificate of Service for Appellant's Opening Brief (Appellant)
12. 2-Nov-2015 FILED: Appendices "A" - "Q" to Appellant's Opening Brief; Certificate of Service for Appendices "A" - "Q" to Appellant's Opening Brief (Appellant)
13. 21-Dec-2015 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee Sunnyslope)
14. 4-Jan-2016 FILED: Stipulation And Joint Motion For Extension Of Time To File Reply Brief; Certificate Of Service For Stipulation And Joint Motion For Extension Of Time To File Reply Brief (Appellant)
15. 5-Jan-2016 FILED: Notice Of Change Of Law Firm Name And Email Addresses; Certificate of Service (Appellee)
16. 5-Jan-2016 ORDERED: Appellee First Southern National Bank shall file the answering brief on/before 1/19/16. FURTHER ORDERED: Extending the time to file the reply brief to/including 1/29/16. Melina Brill ProTem Judge - Author
17. 29-Jan-2016 FILED: Appellant's Request For Oral Argument; Certificate Of Service For Appellant's Request For Oral Argument (Appellant)
18. 29-Jan-2016 FILED: Request for Oral Argument (Sunnyslope Housing); Certificate of Service (Appellee)
19. 29-Jan-2016 FILED: Appellant's Reply Brief; Certificate of Compliance for Appellant's Reply Brief; Certificate Of Service For Appellant's Reply Brief
20. 29-Feb-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21. 9-Mar-2016 ORDERED: Appellant's Request For Oral Argument (Appellant) and Request for Oral Argument (Sunnyslope Housing) (Appellee) = GRANTED. Hon Michael J Brown - Author
22. 10-Mar-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
23. 10-Mar-2016 FILED: Additional Record on Appeal:  
Exhibits: HD 5/31/13 - List and # 1 2 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 23 24 25 41 42 85 92 93 94 95 in white box.
24. 29-Aug-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 10-19-16, 01:30 pm, COURTROOM 2.
25. 9-Sep-2016 FILED: Notice of Oral Argument
26. 12-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by John O'Neal; Brian Sirower on 09/09/2016 (Appellant)
27. 7-Oct-2016 FILED: Receipt for Notice of Oral Argument, signed by Susan M Freeman on 09/13/2016
28. 19-Oct-2016 FILED: Sign-in Sheet/Case is Under Advisement as of 10/19/2016 (Dept E)
29. 13-Dec-2016 MEMORANDUM DECISION (Reversed, Remanded) Hon. Rebecca White Berch - Author; Hon Kent E Cattani - Concur; Hon Lawrence F Winthrop - Concur
30. 13-Dec-2016 FILED: Memorandum Decision Distribution List