

Court of Appeals, Division One
Civil Appeal

1 CA-CV 15-0620

CANTEX v. GILES ENGINEERING

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| Appellate Case Information Case Filed: 17-Sep-2015 Case Closed: | Dept/Composition |
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Consolidated with: 1 CA-CV 15-0631

Side 1. CANTEX INC., a Delaware corporation, Plaintiff/Appellee
(Litigant Group) CANTEX INC

● **Cantex Inc**

Attorneys for: Plaintiff/Appellee

George I Brandon, Esq. (AZ Bar No. 17947)
Donald A Wall, Esq. (AZ Bar No. 7522)
Gregory A Davis, Esq. (AZ Bar No. 25976)
Gregory S Schneider, Esq. (AZ Bar No. 29660)

Side 2. GILES ENGINEERING ASSOCIATES, INC., Appellant
(Litigant Group) GILES ENGINEERING

● **Giles Engineering Associates Inc, Third-Party Defendant**

Attorneys for: Third Party Defendant/Appellant

Thomas H Crouch, Esq. (AZ Bar No. 20134)
Kurt M Zitzer, Esq. (AZ Bar No. 14110)
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CASE STATUS

Dec 19, 2016....At Issue

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|----------------------------|---------------------------------|--------------------------|---|--------------|--------------|
| MOH S8015CV201201247 | Breach of Construction Contract | | Lee Frank Jantzen, Authoring Judge of Order | | |

PENDING MATTER

Div 1 Request for Oral Argument

Filed: 20-Dec-2016

Appellants Request For Oral Argument (Appellant)

37 PROCEEDING ENTRIES

- 17-Sep-2015 FILED: Index of Record, Notice of Appeal from Mohave County Superior Court filed 09/11/15
- 17-Sep-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
- 21-Sep-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
- 5-Oct-2015 FILED: Appellant's, Giles Engineering Associated Inc.'s Notice of Deposit of Filing Fee; Appellant's Certificate of Service (Appellant)
- 5-Oct-2015 FILED: Appellant's Notice of Appearance; Appellant's Certificate of Service (Appellant)
- 7-Oct-2015 RECEIPT No.: 2015-01394 ; \$280.00, Authorization: #79017543810, Applied to: GILES ENGINEERING - Class A Filing Fee (\$280.00) Paid for: Meagher & Geer PLLP - By Integrated Resource Systems IN
- 9-Oct-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
- 13-Oct-2015 FILED: Appellant's Case Management Statement; Judgment filed 8/19/15
- 23-Oct-2015 FILED: Cantex Inc.'s Notice of Payment of Filing Fee; Certificate of Service (Appellee)
- 28-Oct-2015 RECEIPT No.: 2015-01500 ; \$140.00, Authorization: #00019813288, Applied to: CANTEX INC - Class B Filing Fee (\$140.00) Paid for: Squire Patton Boggs (US) LLP - By Integrated Resource Systems
- 11-Nov-2015 FILED: Joint Motion for Procedural Order To Consolidate And Stay Appeal; Certification of Service; Exhibit 1; Exhibit 2 (Appellant)

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37 PROCEEDING ENTRIES

12. 16-Nov-2015 ORDERED: Joint Motion for Procedural Order To Consolidate And Stay Appeal (Appellant) = GRANTED and consolidating case 1 CA-CV 15-0620 with 1 CA-CV 15-0631. Case No. 1 CA-CV 15-0620 is designated primary number. FURTHER ORDERED: Continuing stay of this consolidated appeal and revesting Mohave Superior Court to consider and rule on both motions for trial. FURTHER ORDERED: Within 10 days after superior court rules on motions, appellant shall file a notice w/ this court with rulings attached. FURTHER ORDERED: If a party wishes rulings on motions to be reviewed in this appeal, that party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: Directing appellant to file written notice with court of status of both motions for new trial on/before 11/30/15. FURTHER ORDERED: Vacating 11/20/15 due date for opening brief in 1 CA-CV 15-0620. court will set a due date for consolidated opening brief after superior court rules on motions for new trial. Melina Brill ProTem Judge - Author
13. 30-Nov-2015 FILED: Notice of Status and Ruling On Motions For New Trial; Certificate of Service (Appellant)
14. 22-Dec-2015 ORDERED: Notice of Status and Ruling On Motions For New Trial (Appellant) = GRANTED. FURTHER ORDERED: Continuing stay of this appeal for purpose of permitting Mohave County Superior Court to finalize rulings on motions for new trial and hold a trial on attorneys' fees issue. FURTHER ORDERED: Within 10 days after superior court enters ruling on motions and/or enters a ruling on attorneys' fees issue, appellant shall file a notice w/ this court w/ rulings attached. FURTHER ORDERED: If a party wishes rulings on motions to be reviewed in this appeal, party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: Directing appellant to file written notice w/ this court of status of motions and trial on/before 3/4/16. Melina Brill ProTem Judge - Author
15. 9-Feb-2016 FILED: Notice of Status and Renewed Request For Continuance; Certificate of Service; 2-05-16 Superior Court Order/ Mohave County (Appellant)
16. 26-Feb-2016 ORDERED: Granting Appellant's Renewed Request for Continuance. FURTHER ORDERED: Continuing the stay of this appeal for the purpose of permitting the Superior Court to finalize the rulings on the motions for new trial and attorneys' fees issue. FURTHER ORDERED: within 10 days after the superior court enters a signed ruling on the motions for new trial and attorneys' fees issue, appellant shall file a notice with this court with the rulings attached. FURTHER ORDERED: if a party wishes the rulings on the motions to be reviewed in this appeal, that party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: directing appellant to file written notice with this court of the status of the motions and the trial on or before 3/28/16. Barbara Vidal Vaught ProTem Judge - Author
17. 25-Mar-2016 FILED: Notice of Status and Renewed Request For Continuance; Certificate of Service (Appellant)
18. 15-Apr-2016 ORDERED: Notice of Status and Renewed Request For Continuance (Appellant) = GRANTED. FURTHER ORDERED: Continuing stay of this appeal for purpose of permitting Mohave Superior Court to finalize rulings on motions for new trial and attorneys' fees issue. FURTHER ORDERED: Within 10 days after superior court enters a signed ruling on motions for new trial and attorneys' fees issue, appellant shall file a notice with this court w/ rulings attached. FURTHER ORDERED: If a party wishes rulings on motions to be reviewed in this appeal, party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: Directing appellant to file written notice with this court of status of motions and trial on/before 5/18/16. Barbara Vidal Vaught ProTem Judge - Author
19. 18-May-2016 FILED: Notice of Status and Renewed Request For Continuance; Certificate of Service; Exhibit A; Exhibit B (Appellant)
20. 23-May-2016 FILED: Courtesy Copy - Order filed in Mohave County Superior Court on 05/18/2016 re: Attorney's fees and costs
21. 23-May-2016 ORDERED: Notice of Status and Renewed Request For Continuance (Appellant) = GRANTED. FURTHER ORDERED: Continuing stay for purpose of permitting that court to consider/rule on motions for new trial and attorneys' fees. FURTHER ORDERED: Appellant shall file notice with ruling attached ten days after superior court enters signed ruling. FURTHER ORDERED: If party wishes ruling reviewed, must file timely amended notice of appeal. FURTHER ORDERED: Appellant notice of motions status due 06/17/2016. Melina Brill ProTem Judge - Author
22. 2-Jun-2016 FILED: Notice of Status and Signed Orders; Certificate of Service; Exhibit 1; Exhibit 2 (Appellant)
23. 7-Jun-2016 ORDERED: Reinstating appeal. FURTHER ORDERED: Opening Brief due 07/18/2016. Melina Brill ProTem Judge - Author
24. 10-Jun-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Amended Notice of Appeal filed on 6/3/16)
25. 29-Jun-2016 FILED: Motion For Procedural Order Extension Of Time To File Appellants Opening Brief; Certificate of Service (Appellant)
26. 30-Jun-2016 ORDERED: Motion For Procedural Order Extension Of Time To File Appellants Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-18-2016 to Wednesday, 08-17-2016. Melina Brill ProTem Judge - Author
27. 17-Aug-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Certification of Service (Appellant)

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37 PROCEEDING ENTRIES

28. 17-Aug-2016 FILED: Appendix for Appellant's Opening Brief (Appellant)
29. 8-Sep-2016 FILED: Motion For Procedural Order To Extend Deadline To File Answering Brief; Certificate of Service (Appellee)
30. 9-Sep-2016 ORDERED: Motion For Procedural Order To Extend Deadline To File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 10-03-2016 to Wednesday, 11-02-2016. Melina Brill ProTem Judge - Author
31. 2-Nov-2016 FILED: Answering Brief of Plaintiff/Appellee Cantex Inc.; Certificate of Compliance; Certificate of Service (Appellee)
32. 14-Nov-2016 FILED: Motion For Procedural Order Extension Of Time To File Appellants Reply Brief; Certification of Service (Appellant)
33. 15-Nov-2016 ORDERED: Motion For Procedural Order Extension Of Time To File Appellants Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 11-28-2016 to Monday, 12-19-2016. Melina Brill ProTem Judge - Author
34. 6-Dec-2016 FILED: Motion For Procedural Order To Include Transcript Of Attorney Fee Hearing In The Record On Appeal; Certification of Service (Appellant)
35. 8-Dec-2016 ORDERED: Motion For Procedural Order To Include Transcript Of Attorney Fee Hearing In The Record On Appeal (Appellant) = GRANTED/supplementing the record on appeal with the certified transcript of the 01/29/2016 proceeding, which is included in the appendix to the opening brief. Melina Brill ProTem Judge - Author
36. 19-Dec-2016 FILED: Appellant's Reply Brief; Certificate of Compliance; Certification of Service (Appellant)
37. 20-Dec-2016 FILED: Appellants Request For Oral Argument; Certificate of Service (Appellant)