Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0753 — AEA v. YUMA FUNDING

Appellate Case Information

Case Filed: 13-Nov-2015

Case Closed:

Dept/Composition

Department B

Hon. Samuel A Thumma
Hon. Margaret H Downie
Hon. Mark R Moran

Side 1. AEA FEDERAL CREDIT UNION, Plaintiff/Appellee

(Litigant Group) AEA FEDERAL CREDIT UNION

- **AEA Federal Credit Union**

Attorneys for: Plaintiff/Appellee

Barry L Olsen, Esq. (AZ Bar No. 15226)

Side 2. YUMA FUNDING, INC., an Arizona corporation, Defendant/Appellant

(Litigant Group) YUMA FUNDING INC

- **Yuma Funding Inc**

Attorneys for: Defendant/Appellant

Jason M Kelly, Esq. (AZ Bar No. 20525)

CASE STATUS

Jan 27, 2017....Pending in ASC

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YUM	S1400CV201000062	Motion to Dissolve the Injunctions [see file]		John P Plante, Authoring Judge of Order		

DESCENDENT CASE(S)	
ASC	CV-17-0043-PR

2 CASE DECISIONS

28-Jul-2016 OPINION

Samuel Thumma.....Author
Kent Cattani.....Concur
Randall Howe.....Concur

Filed: **28-Jul-2016** Mandate:

Decision Disposition
Appeal Reinstated

22-Dec-2016 MEMORANDUM DECISION

Mark Moran.....Author
Samuel Thumma.....Concur
Margaret Downie.....Concur

Filed: **22-Dec-2016** Mandate:

Decision Disposition
Appeal Dismissed

57 PROCEEDING ENTRIES

1.	13-Nov-2015	FILED: Index of Record, Notice of Appeal from Yuma County Superior Court filed 10/15/15
2.	13-Nov-2015	FILED: e-Record on Appeal: Instruments/Minute Entries
3.	24-Nov-2015	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4.	7-Dec-2015	FILED: Appellant's Notice of Payment of Filing Fee; Appellant's Certificate of Service for Payment of Filing Fee
5.	11-Dec-2015	RECEIPT No.: 2015-01709 ; $280.00, Authorization: #44012565098, Applied to: YUMA FUNDING INC - Class A Filing Fee ($280.00) Paid for: Schneider & Onofry PC - By Integrated Resource Systems IN
6.	14-Dec-2015	FILED: Case Mangement Statement; Yuma County Superior Court Order filed 10/9/15 (Appellant)
7.	18-Dec-2015	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due

Information presented in this document may not reflect all case activity and is subject to change without notice.

57 PROCEEDING ENTRIES

8.	23-Dec-2015	RECEIPT No.: 2015-01764 ; $140.00, Check Number: #20173, Applied to: AEA FEDERAL CREDIT UNION - Class B Filing Fee ($140.00) Paid for: AEA Federal Credit Union - By Law Offices of Larry W Suciu PLC
9.	25-Jan-2016	FILED: Opening Brief; Appellant's Certificate of Compliance for Opening Brief; Appellant's Certificate of Service re Opening Brief
10.	23-Feb-2016	FILED: Defendant/Appellant's Uncontested Motion for Procedural Order; Certificate of Service (Appellant) (accepting Exhibit A "Motion to Disgorge Money," as part of record on appeal per order filed 2/24/16)
11.	24-Feb-2016	ORDERED: Defendant/Appellant's Uncontested Motion for Procedural Order (Appellant) = GRANTED in part and accepting document attached as Exhibit A to motion and entitled "Motion to Disgorge Money," as part of record on appeal. Barbara Vidal Vaught ProTem Judge - Author
12.	25-Feb-2016	FILED: Motion for Procedural Order; Certificate of Service (Appellee)
13.	25-Feb-2016	FILED: Reporter's Transcript of Proceedings (Appellee)
14.	25-Feb-2016	FILED: Answering Brief; Certificate of Compliance; Certificate of Service & Filing (Appellee)
15.	26-Feb-2016	ORDERED: Denying the Motion for Procedural Order to supplement record with transcript of 10/01/15. Barbara Vidal Vaught ProTem Judge - Author
16.	1-Mar-2016	RECEIPT No.: 2016-00281 ; $140.00, Authorization: 60024135869, Applied to: AEA FEDERAL CREDIT UNION - Overpayment Class B ($140.00) Paid for: Law Offices of Larry W Suciu PLC - By Integrated Resource Systems IN (Memo: Over Pmt - Refund needed - X ref 2015-01764)
17.	11-Mar-2016	FILED: Letter, 3/11/16, from Court to Appellee, refunding $140.00 due to duplicate payment
18.	18-Mar-2016	FILED: Reply Brief; Appellant's Certificate of Compliance for Opening (sic) Brief; Appellant's Certificate of Service of Opening (sic) Brief
19.	18-Mar-2016	FILED: Appellant's Request for Oral Argument; Appellant's Certificate of Service re Request for OA (Appellant)
20.	30-Mar-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21.	31-Mar-2016	ORDERED: consolidating cases 1 CA-CV 15-0047, 1 CA-CV 15-0107, 1 CA-CV 15-0127, 1 CA-CV 15-0249, 1 CA-CV 15-375, 1 CA-CV-15-0508, 1 CA-CV 15-0513, 1 CA-CV 15-0624, 1 CA-CV 15-0689, 1 CA-CV 15-0728, 1 CA-CV 15-0753, 1 CA-CV 16-0002 and 1 CA-CV 16-0042 for a limited purpose of considering this court's appellate jurisdiction in these cases. Case No 1 CA-CV 15-0047 is designated as primary number and above caption (or a shortened version listing at a minimum captions in Case No. 1 CA-CV 15-0047 and case number(s) in which filer is a party) shall be used on all future documents filed. FURTHER ORDERED: Directing any party to this consolidated appeal wishing to be heard on issue of whether order being appeal from in their specific case(s) must contain Rule 54 (c) language may file a memorandum, not to exceed 10 pages, on/before 4/20/16. No responses to memoranda will be permitted. Court will only accept a memorandum addressing this issue if filing party has paid filing fee in case number(s) in which filer is a party. FURTHER ORDERED: Staying all other aspects of this consolidated appeal that do not relate to Rule 54 (c) issue pending further order. Hon Kent E Cattani Judge - Author
22.	31-Mar-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
23.	11-Apr-2016	FILED: Appellees' Reply in Support of Motion to Supplement the Record on Appeal; Certificate of Filing and Service Regarding Appellees' Reply in Support of Motion to Supplement the Record on Appeal (Appellees re 1 CA-CV 15-0107)
24.	19-Apr-2016	FILED: Consolidated Appellate Brief; Certificate of Service of Consolidated Appellate Brief (Appellant Yuma Funding - CV-15-0753)
25.	3-May-2016	ORDERED: any response to motion to strike (surreply in CV-15-0728) must be filed on/before 5/13/16. Appellant may file a reply in accordance with ARCAP 6 (a) (2). FURTHER ORDERED: Court will rule on motion following expiration of time for a response and, if applicable, a reply. Melina Brill ProTem Judge - Author
26.	11-May-2016	FILED: Appellee's Response to Appellants Motion to Strike Appellees Surreply to Appellants Rebuttal to Appellees Answer Brief; Proof of Service (Appellee, Erlick re 1 CA-CV 15-0728)

Information presented in this document may not reflect all case activity and is subject to change without notice.

57 PROCEEDING ENTRIES

27.	26-May-2016	ORDERED: Consolidating case 1 CA-CV 15-0276 with previously consolidated case 1 CA-CV 15-0047 for sole purpose of considering Court's appellate jurisdiction. Case No. 1 CA-CV 15-0047 is designated primary number. FURTHER ORDERED: Removing case 1 CA-CV 16-0002 from this consolidated appeal. FURTHER ORDERED continuing stay of this consolidated appeal until further order. FURTHER ODERED: Any party in 1 CA-CV 15-0276 that wishes to be heard on issue of order being appealed from is required to contain Rule 54(c) language may file a memorandum on/before 06/06/2016. Hon Kent E Cattani Judge - Author
28.	27-May-2016	FILED: Appellants Reply to Appellees Response to Strike Appellees Surreply to Appellants Rebuttal to Appellees Answer Brief (Appellant Pro Per, Davis re 1 CA-CV 15-0728)
29.	2-Jun-2016	FILED: Motion by Tri-Rentals, Inc. and Classic Party Rentals, Inc. to Remove Their Appeal from Consolidation and Lift Stay; Certificate of Service; Exhibit A (Appellants re 1 CA-CV 16-0042)
30.	6-Jun-2016	FILED: Plaintiff's Response in Support of Motion by Tri-Rentals, Inc. and Class Party Rentals, Inc. to Remove Thier Appeal from Consolidation and Lift Stay; Certificate of Service (Appellee re 1 CA-CV 16-0042)
31.	7-Jun-2016	ORDERED: Removing CV 15-0276 from consolidated appeal. Hon Kent E Cattani Judge - Author
32.	7-Jun-2016	ORDERED: Removing CV 16-0042 from consolidated appeal. Hon Kent E Cattani Judge - Author
33.	10-Jun-2016	FILED: Appellee's Motion to Strike; Proof of Service (Appellee, Erlick re 1 CA-CV 15-0728)
34.	17-Jun-2016	FILED: Motion for Reconsideration Concerning Appellants Motion to Strike Appellees Surreply (Appellant Pro Per, Davis re 1 CA-CV 15-0728)
35.	22-Jun-2016	ORDERED: Consolidating case 1 CA-CV 16-0294 with case 1 CA-CV 15-0047 for sole purpose of considering this court's appellate jurisdiction. Case 1 CA-CV 15-0047 is designated the primary number. FURTHER ORDERED: Continuing stay of this consolidated appeal until further order. FURTHER ORDERED: Any party in case 1 CA-CV 16-0294 that wishes to be heard on issue regarding order containing Rule 54(c) language, memorandum due 07/05/2016. Hon Kent E Cattani Judge - Author
36.	27-Jun-2016	FILED: Motion for Appointment of Counsel (Appellant Pro Per)
37.	29-Jun-2016	FILED: Appellee's Response to Notice to the Court that Appellee Will Consider Appellants Request for Sanctions as Part of Appellants Motion for Reconsideration and Will not Respond Unless Requested by the Court; Proof of Service (Appellee)
38.	29-Jun-2016	FILED: Appellee's Reply to Appellant's Response to Appellee's Motion to Strike; Proof of Service (Appellee)
39.	6-Jul-2016	ORDERED: Denying Erlick's motion to strike Davis's reply. FURTHER ORDERED: Denying Davis's motion for reconsideration. FURTHER ORDERED: Denying Erlick's motion to strike Lavoie's rebuttal because that pleading was not accepted for filing. FURTHER ORDERED: Taking no action on Erlick's response to Lavoie's motion for permissive joinder and motion to intervene. Hon Maurice Portley - Author
40.	11-Jul-2016	FILED: Courtesy Copy - Copy of my Medical Benefits for State of Calif Gov. Program (Debra Lavoie)
41.	28-Jul-2016	OPINION (Appeal Reinstated) Hon Samuel A Thumma - Author; Hon Kent E Cattani Judge - Concur; Hon Randall M Howe - Concur
42.	28-Jul-2016	FILED: Opinion Distribution List
43.	28-Jul-2016	ORDERED: deconsolidating this appeal from appeal 1 CA-CV 15-0047. FURTHER ORDERED: terminating stay and reinstating this appeal. FURTHER ORDERED: appeal shall be scheduled for consideration on the merits. Hon Kent E Cattani Judge - Author
44.	28-Jul-2016	ORDERED: Appellant's Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
45.	5-Oct-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 11-29-16, 10:15 am, COURTROOM 1.
46.	6-Oct-2016	FILED: Notice of Oral Argument
47.	7-Oct-2016	FILED: Receipt for Notice of Oral Argument, signed by Jason Kelly on 10/06/2016 (Appellant)
48.	10-Oct-2016	FILED: Receipt for Notice of Oral Argument, signed by Barry L Olsen on 10/06/2016 (Appellee)
49.	29-Nov-2016	FILED: Sign-in Sheet/Case is Under Advisement as of 11/29/2016 (Dept B)

Information presented in this document may not reflect all case activity and is subject to change without notice.

57 PROCEEDING ENTRIES

50.	22-Dec-2016	MEMORANDUM DECISION (Appeal Dismissed) Hon Mark R Moran - Author; Hon Samuel A Thumma - Concur; Hon Margaret H Downie - Concur
51.	22-Dec-2016	FILED: Memorandum Decision Distribution List
52.	27-Dec-2016	FILED: Statement of Costs; Certificate of Service (Appellee)
53.	6-Jan-2017	FILED: Defendant/Appellant's Uncontested Motion for Reconsideration; Certificate of Compliance of Defendant/Appellant's Uncontested Motion for Reconsideration; Certificate of Service of Defendant/Appellant's Uncontested Motion for Reconsideration (Appellant)
54.	11-Jan-2017	ORDERED: Defendant/Appellant's Uncontested Motion for Reconsideration = DENIED. Hon Samuel A Thumma - Author
55.	27-Jan-2017	FILED: Email Notice from ASC re: Petition for Review filed 1/26/17; request for partial record
56.	27-Jan-2017	FILED: Letter forwarding partial record to Arizona Supreme Court
57.	3-Feb-2017	ORDERED: awarding appellee their costs in the amount of $198.00. Amy M Wood - Author

Information presented in this document may not reflect all case activity and is subject to change without notice.