

Court of Appeals, Division One
Civil Appeal

1 CA-CV 15-0809

HESS et al. v. JP MORGAN et al.

<p>Appellate Case Information</p> <p>Case Filed: 9-Dec-2015</p> <p>Case Closed:</p>	<p>Dept/Composition</p> <p>Department C</p> <p>Hon. Diane M Johnsen Hon. Jon W Thompson Hon. Charles W Gurtler</p>
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Side 1. BARRY HESS, et al., Plaintiff/Appellant
(Litigant Group) BARRY HESS

• **Barry Hess** PRO SE
(Litigant Group) GINA KYNAST

• **Gina Kynast** PRO SE

Side 2. JP MORGAN CHASE BANK, N.A., et al., Defendant/Appellee
(Litigant Group) JP MORGAN CHASE BANK NA

<ul style="list-style-type: none"> • JP Morgan Chase Bank NA • EMC Mortgage LLC • Wells Fargo Bank NA • Mortgage Electronic Registration Systems Inc 	<p>Attorneys for: Defendants/Appellees</p> <p>Robert W Shely, Esq. (AZ Bar No. 14261) Gregory B Iannelli, Esq. (AZ Bar No. 26549)</p>
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CASE STATUS

Dec 6, 2016.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2015-050221	Quiet Title and Order for Release of Wrongfully Withheld Insurance Repair Funds		John R Hannah, Authoring Judge of Order		

2 OPEN DUE DATES

Motion for Reconsideration due **Due By:** Wednesday, December 21, 2016
Re: MEMORANDUM DECISION (Affirmed) Hon Charles W Gurtler Jr - Author; Hon Diane M Johnsen - Concur; Hon Jon W Thompson - Concur

Petition for Review to ASC due **Due By:** Thursday, January 5, 2017
Re: MEMORANDUM DECISION (Affirmed) Hon Charles W Gurtler Jr - Author; Hon Diane M Johnsen - Concur; Hon Jon W Thompson - Concur

CASE DECISION

<p>06-Dec-2016 MEMORANDUM DECISION</p> <p>Charles Gurtler.....Author Diane Johnsen.....Concur Jon Thompson.....Concur</p>	<p>Filed: 06-Dec-2016 Mandate:</p> <table border="1" style="width: 100%;"> <tr> <td align="center">Decision Disposition</td> </tr> <tr> <td align="center">Affirmed</td> </tr> </table>	Decision Disposition	Affirmed
Decision Disposition			
Affirmed			

35 PROCEEDING ENTRIES

1. 9-Dec-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/10/15
2. 9-Dec-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 17-Dec-2015 FILED: Notice to Parties re: Appellants' Fees/Case Management Statement/Brief Due
4. 31-Dec-2015 RECEIPT No.: 2015-01805 ; \$280.00 Applied to: BARRY HESS - Class A Filing Fee (\$280.00) Paid for: - By BARRY HESS
5. 31-Dec-2015 RECEIPT No.: 2015-01806 ; \$280.00 Applied to: GINA KYNAST - Class A Filing Fee (\$280.00) Paid for: - By GINA KYNAST

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6. 31-Dec-2015 FILED: Plaintiff/Appellant's Notice of Transcript Order
7. 31-Dec-2015 FILED: Civil Appeals Case Management Statement (Appellant Pro Per)
8. 11-Jan-2016 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
9. 14-Jan-2016 FILED: Notice of Lis Pendens and Notice of Action Pending (Appellant Pro Per)
10. 19-Jan-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Revised Notice of Appeal filed 12/15/15)
11. 26-Jan-2016 FILED: Plaintiff/Appellant's (sic) Notice of Correction re: Notice of Lis Pendens (Appellants Pro Per)
12. 26-Jan-2016 FILED: Plaintiff/Appellant's (sic) Filing of Full Transcript (Appellants Pro Per)
13. 26-Jan-2016 FILED: Reporter's Transcript - 07/02/2015 - Emergency Hearing re: Temporary Restraining Order (Kimberly C McCright) (Appellants Pro Per)
14. 28-Jan-2016 FILED: Notice of Appearance and Payment of Appellees' Filing Fee; Certificate of Service re Notice of Appearance and Payment of Appellees' Filing Fee
15. 2-Feb-2016 RECEIPT No.: 2016-00133 ; \$140.00, Authorization: #32025947565, Applied to: JP MORGAN CHASE BANK NA - Class B Filing Fee (\$140.00) Paid for: Bryan Cave LLP - By Integrated Resource Systems IN
16. 16-Feb-2016 FILED: Plaintiff/Appellant's Opening Brief (Appellants Pro Per)
17. 8-Mar-2016 FILED: Appellant's Supplement to Opening Brief (Appellant Pro Per)
18. 16-Mar-2016 FILED: Motion for Extension of Time to File Answering Brief (Motion for Procedural Order); Certificate of Service (Appellee)
19. 17-Mar-2016 ORDERED: Motion for Extension of Time to File Answering Brief (Motion for Procedural Order) (Appellee) = GRANTED in part. Due date EXTENDED from Monday, 04-04-2016 to Wednesday, 05-04-2016. Barbara Vidal Vaught ProTem Judge - Author
20. 31-Mar-2016 FILED: Appellant's Emergency Motion for Stay of Eviction Scheduled for April 8th, 2016 (Oral Argument Requested)
21. 5-Apr-2016 ORDERED: denying request for oral argument on motion. FURTHER ORDERED: Denying motion to stay. Hon Kent E Cattani Judge - Author
22. 29-Apr-2016 FILED: Appellants Notice of Recording Federal Discharge of Debt at Issue (Appellant Pro Pers)
23. 3-May-2016 ORDERED: Appellants Notice of Recording Federal Discharge of Debt at Issue (Appellant Pro Pers) = taking no action on notice. Melina Brill ProTem Judge - Author
24. 4-May-2016 FILED: Appellees' Response Brief; Certificate of Compliance Regarding Appellees' Response Brief; Certificate of Filing and Service Regarding Appellees' Response Brief
25. 31-May-2016 FILED: Appellants Revised Prayer for Relief (Appellant Pro Per) (STRICKEN per order dated 06/22/2016)
26. 31-May-2016 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant Pro Pers)
27. 22-Jun-2016 ORDERED: Appellants Revised Prayer for Relief (Appellant Pro Per) = STRICKEN. Melina Brill ProTem Judge - Author
28. 27-Jun-2016 FILED: Appellant's Motion to Amend Request/Prayer for Relief in Opening Brief (Appellant Pro Pers)
29. 28-Jun-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
30. 7-Jul-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
31. 14-Jul-2016 FILED: Appellees' Response to Appellants' Motion to Amend Request / Prayer for Relief in Opening Brief; Certificate of Service (Appellee)
32. 28-Jul-2016 ORDERED: Appellant's Motion to Amend Request/Prayer for Relief in Opening Brief (Appellant Pro Pers) = DENIED. Melina Brill ProTem Judge - Author
33. 26-Sep-2016 CLNDR: CONFERENCE, Department C, 11-9-16, COURTROOM 1.
34. 6-Dec-2016 MEMORANDUM DECISION (Affirmed) Hon Charles W Gurtler Jr - Author; Hon Diane M Johnsen - Concur; Hon Jon W Thompson - Concur

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35. 6-Dec-2016 FILED: Memorandum Decision Distribution List