Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0836 ABEL et al. v. ALINIAZEE

Appellate Case Information

Case Filed: 22-Dec-2015

Case Closed:

Dept/Composition

Side 1. ABEL COMMERCIAL VENTURES, LLC, an Arizona limited liability company; and WIGWAM CROSSING, LLC, an Arizona limited liability company, Plaintiff/Appellant-Cross Appellee

(Litigant Group) ABEL COMMERCIAL VENTURES et al.

- **Abel Commercial Ventures LLC**
- **Wigwam Crossing LLC**

Attorneys: Plaintiffs/Appellants/Cross-Appellees

Joseph I McCabe, Jr, Esq. (AZ Bar No. 2125)

Clifford J Roth, Esq. (AZ Bar No. 6442)

Side 2. BMO HARRIS BANK, N.A. fna M&I Marshall & Ilsley Bank [SEE ORDER FILED 4/20/16 - DISMISSING APPELLEE BMO HARRIS BANK NA FROM APPEAL], Defendant/Appellee

(Litigant Group) BMO HARRIS BANK NA
(Dismissed Per Order Filed 4/20/16)

- **BMO Harris Bank NA**

Side 3. MUBEEN M. ALINIAZEE AND HAJIRA ALINIAZEE, husband and wife, Defendant/Appellee-Cross Appellant

(Litigant Group) MUBEEN M. ALINIAZEE et al.

- **Mubeen M Aliniazee**
- **Hajira Aliniazee**

Attorneys: Defendants/Appellees/Cross-Appellants

Philip B Whitaker, Esq. (AZ Bar No. 11765)

CASE STATUS

Aug 31, 2016...At Issue

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2010-027213	Breach of Contract; Breach of Good Faith and Fair Dealing; [see file]		Randall H Warner, Authoring Judge of Order		
MAR	CV2011-017274	Faud; Breach of Implied Covenant of Good Faith and Fair Dealing; [see file]		Randall H Warner, Authoring Judge of Order		

38 PROCEEDING ENTRIES

1.	22-Dec-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/23/15 (Plaintiff NOA as to Defendant BMO); Notice of Cross Appeal from Maricopa County Superior Court filed 12/9/15 (Defendants Aliniazee); Amended Notice of Appeal filed 12/17/15 (Defendants Aliniazee)
2.	22-Dec-2015	FILED: e-Record on Appeal (CV2010-027213): Instruments/Minute Entries Exhibits - not sent at this time
3.	22-Dec-2015	FILED: e-Record on Appeal (CV2011-017274): Instruments/Minute Entries
4.	5-Jan-2016	FILED: Notice to Parties re: Appellants/Cross-Appellees' Fee/Case Management Statement/Brief Due
5.	20-Jan-2016	FILED: Plaintiffs/Appellants/Cross-Appellees' Notice of Paying Filing Fee; Certificate of Service (of Notice of Paying Filing Fee)
6.	25-Jan-2016	RECEIPT No.: 2016-00086 ; $280.00, Authorization: #25007532535, Applied to: ABEL COMMERCIAL VENTURES et al. - Class A Filing Fee ($280.00) Paid for: McCabe O'Donnell PA - By Integrated Resource Systems IN
7.	25-Jan-2016	FILED: Case Management Statement; (Exhibit 1) Final Judgment filed 11/18/15; (Exhibit 2) Judgment filed 7/8/15; (Exhibit 3) Judgment Signed filed 11/19/15 (Appellant)
8.	3-Feb-2016	FILED: Notice Re: Cross Appellant's Fee and Case Management Statement Due; Appellee's Fee Due; Appellant's Brief Due

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

38 PROCEEDING ENTRIES

9.	4-Feb-2016	FILED: Appellants' Notice of Filing and Service of Transcripts; Certificate of Service (of Notice of Filing and Service of Transcripts); Exhibit 1 - Reporter's Transcript – 04/19/2013 - Oral Argument (Melissa Boyd); Exhibit 2 - Reporter's Transcript – 01/31/2014 - Oral Argument (Karen Raile); Exhibit 3 - Reporter's Transcript – 07/18/2014 - Oral Argument (Melissa Boyd); Exhibit 4 - Reporter's Transcript – 11/07/2014 - Oral Argument (Mellisa Boyd); Exhibit 5 - Reporter's Transcript – 04/03/2015 - Oral Argument (Gloria Veilleux); Exhibit 6 - Reporter's Transcript – 05/22/2015 - Oral Argument (Marylynn LeMoine) (unsigned) (Appellant)
10.	5-Feb-2016	FILED: Cross Appellants Mubeen M. Aliniazee and Hajira Aliniazee's Notice of Payment of Filing Fee (Appellees/Cross-Appellant)
11.	9-Feb-2016	FILED: Certificate of Mailing Cross-Appellants Mubeen M. Aliniazee and Hajira Aliniazee's Notice of Payment of Filing Fee (Appellees/Cross-Appellants)
12.	10-Feb-2016	RECEIPT No.: 2016-00188 ; $280.00, Authorization: #40020754258, Applied to: MUBEEN M. ALINIAZEE et al. - Class A Filing Fee ($280.00) Paid for: Stegall Katz Whitaker PC - By Integrated Resource Systems IN
13.	10-Feb-2016	FILED: Case Management Statement; Certification of Service (Appellee/Cross-Appellant)
14.	10-Feb-2016	FILED: Case Management Statement; Certification of Service (Cross-Appellant)
15.	23-Feb-2016	RECEIPT No.: 2016-00244 ; $140.00, Check Number: #4729, Applied to: BMO HARRIS BANK NA - Class B Filing Fee ($140.00) Paid for: - By Bryan Cave LLP
16.	1-Mar-2016	FILED: Appellants' Motion for Procedural Order to Exceed Word Limit for Opening Brief; Certificate of Service (of Appellants' Motion for Procedural Order to Exceed Word Limit for Opening Brief); Order (Appellant)
17.	1-Mar-2016	FILED: Stipulation for Extension of Time to File Opening Brief; Certificate of Service; Order (Appellant)
18.	2-Mar-2016	ORDERED: Stipulation for Extension of Time to File Opening Brief; (Appellant) = GRANTED. Due date EXTENDED from Monday, 03-07-2016 to Friday, 04-08-2016. Barbara Vidal Vaught ProTem Judge - Author
19.	4-Mar-2016	FILED: Appellee BMO Harris Bank, N.A.'s Opposition to Appellants' Motion for Procedural Order to Exceed Word Limit for Opening Brief; Certificate of Service (Appellee)
20.	17-Mar-2016	ORDERED: Appellants' Motion for Procedural Order to Exceed Word Limit for Opening Brief (Appellant) = GRANTED in part and allowing appellants to file an opening brief not to exceed 16,500 words. Hon Michael J Brown - Author
21.	4-Apr-2016	FILED: Stipulation for Second Extension of Time to File Opening Brief; Certificate of Service (Of Stipulation for Second Extension of Time to File Opening Brief) (Appellant)
22.	5-Apr-2016	ORDERED: Stipulation for Second Extension of Time to File Opening Brief; (Of Stipulation for Second Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Friday, 04-08-2016 to Friday, 04-15-2016. Barbara Vidal Vaught ProTem Judge - Author
23.	15-Apr-2016	FILED: Stipulation for Dismissal of Appeal as to Appellee BMO Harris Bank, NA; Certificate of Service; Order Dismissing Appeal as to Appellee BMO Harris Bank, N.A.
24.	15-Apr-2016	FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (of Appellants' Opening Brief)
25.	20-Apr-2016	ORDERED: Stipulation for Dismissal of Appeal as to Appellee BMO Harris Bank, NA = GRANTED. FURTHER ORDERED: amending caption in this appeal by removing BMO Harris Bank, N.A. as an appellee. Melina Brill ProTem Judge - Author
26.	19-May-2016	FILED: Stipulation for Procedural Order Extending Time to File Responsive Brief and Cross Appeal; Certificate of Service of Stipulation for Procedural Order Extending Time to File Responsive Brief and Cross Appeal
27.	23-May-2016	ORDERED: Stipulation for Procedural Order Extending Time to File Answering Brief and Cross Appeal Opening Brief = GRANTED. Due date EXTENDED from Tuesday, 05-31-2016 to Friday, 06-17-2016 Melina Brill ProTem Judge - Author
28.	17-Jun-2016	FILED: Appellees' Combined Answering Brief and Cross Appeal Opening Brief; Certificate of Compliance; Certificate of Mailing Appellees/Cross-Appellants' Combined Answering Brief and Opening Brief on Cross-Appeal (Appellees/Cross-Appellants)
29.	28-Jun-2016	FILED: Appellees' Notice of Errata; Certificate of Mailing Appellees' Notice of Errata (Appellees/Cross-Appellants)
30.	1-Aug-2016	FILED: Notice of Request for Oral Argument; Certificate of Service (Appellant)

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31.	1-Aug-2016	FILED: Appellants/Cross-Appellees' Combined Reply Brief on Appeal and Answering Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (of Appellants/Appellees' Combined Reply Brief on Appeal and Answering Brief on Cross-Appeal) (Appellants/Cross-Appellees)
32.	19-Aug-2016	FILED: Motion for Procedural Order Extending Time to File Reply Brief on Cross Appeal; Certificate of Mailing Cross-Appellants' Motion for Procedural Order Extending Time to File Reply Brief on Cross Appeal (Cross-Appellant)
33.	22-Aug-2016	ORDERED: Motion for Procedural Order Extending Time to File Reply Brief on Cross Appeal (Cross-Appellant) = GRANTED. Due date EXTENDED from Monday, 08-29-2016 to Friday, 09-02-2016. Melina Brill ProTem Judge - Author
34.	31-Aug-2016	FILED: Reply to Cross Appeal; Certificate of Compliance; Certificate of Mailing Appellees/Cross-Appellants' Reply to Cross-Appeal (Appellees/Cross-Appellants)
35.	3-Oct-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
36.	6-Oct-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
37.	7-Oct-2016	FILED: Additional Record on Appeal: Exhibits: HD 8/22/11 - LIST # 1 in a Manila Envelope; HD 12/9/15 - LIST # 1 2 3 4 5 6 7 8 9 10 11 in a Manila Envelope; HD 2/5/16 - LIST # 1 (sealed) 2 3 4 5 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 in a Manila Envelope
38.	13-Oct-2016	ORDERED: Notice of Request for Oral Argument (Appellant) = GRANTED. Oral argument will be scheduled in normal course of court's civil appeals calendar, and court will notify counsel of date. Hon Michael J Brown - Author

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