

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

**1 CA-CV 16-0099**

**BANK OF AMERICA v. FELCO et al.**

<b>Appellate Case Information</b> Case Filed: 24-Feb-2016 Case Closed:	<b>Dept/Composition</b>
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**Side 1. BANK OF AMERICA, N.A., a national banking association, Plaintiff/Appellant (Litigant Group) BANK OF AMERICA NA**

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| <ul style="list-style-type: none"> <li>● Bank of America NA</li> </ul> | <b>Attorneys for: Plaintiff/Appellant</b><br>Denise J Wachholz, Esq. (AZ Bar No. 11526)<br>Richard H Goldberg, Esq. (AZ Bar No. 20824) |
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**Side 2. FELCO BUSINESS SERVICES, INC. 401(K) PROFIT SHARING PLAN, Ira S. Feldman, Trustee; and FBS SEDONA, LLC, an Arizona limited liability company, Defendant/Appellee (Litigant Group) FELCO BUSINESS SERVICES INC et al.**

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| <ul style="list-style-type: none"> <li>● Felco Business Services Inc 401(K) Profit Sharing Plan</li> <li>● FBS Sedona LLC</li> </ul> | <b>Attorneys for: Defendants/Appellees</b><br>David K Wilhelmsen, Esq. (AZ Bar No. 7112)<br>Lance B Payette, Esq. (AZ Bar No. 7556) |
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**CASE STATUS**

Aug 5, 2016.....At Issue

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV V1300CV201180303	Breach of Contract; Negligence; Fraud; Declaratory Judgment		Jeffrey G Paupore, Authoring Judge of Order		

**PENDING MATTER**

<b>General Motion</b> * Appellee's Motion to Strike Certain Portions of Appellant's Reply Brief as Impermissible New Argument (Appellee)	Filed: 8-Aug-2016 Scheduled: 2-Sep-2016
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**30 PROCEEDING ENTRIES**

1. 24-Feb-2016 FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 01/14/16
2. 24-Feb-2016 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 26-Feb-2016 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4. 29-Feb-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
5. 29-Feb-2016 RECEIPT No.: 2016-00278 ; \$280.00, Check Number: #111685, Applied to: BANK OF AMERICA NA - Class A Filing Fee (\$280.00) Paid for: - By Renaud Cook Drury Mesaros PA
6. 8-Mar-2016 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
7. 9-Mar-2016 FILED: Notice of Appellees Filing Fee Payment; Certificate of Service
8. 10-Mar-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Ruling re: Defendant's Jobes' Motion for summary Judgment filed 3/9/16 - denied)
9. 11-Mar-2016 RECEIPT No.: 2016-00324 ; \$140.00, Authorization: #70016939998, Applied to: FELCO BUSINESS SERVICES INC et al. - Class B Filing Fee (\$140.00) Paid for: Favour Moore & Wilhelmsen PA - By Integrated Resource Systems IN
10. 17-Mar-2016 FILED: Case Management Statement (Appellant)
11. 21-Mar-2016 ORDERED: (Court has selected this appeal for assignment to Settlement Conference Program) staying this appeal until further notice. Anthony Mackey ProTem Judge - Author
12. 28-Mar-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record

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13. 28-Mar-2016 ORDERED: setting telephonic assessment conference for 4/7/16 @ 3 pm. Judge Patricia K Norris will conduct telephonic conference. Anthony Mackey ProTem Judge - Author
14. 13-Apr-2016 ORDERED: Court will hold an in-person settlement conference on 6/9/16 @ 10 am. FURTHER ORDERED: Participants shall have full authority to negotiate and settle case on any agreed-upon terms at conference. (See order). Hon Patricia K Norris - Author
15. 14-Apr-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
16. 9-Jun-2016 ORDERED: Lifting Stay of appeal. FURTHER ORDERED: Opening Brief due 07/08/2016. Parties shall address any future motions to court. Hon Patricia K Norris - Author
17. 8-Jul-2016 FILED: Appellant's Opening Brief; Appellant's Opening Brief Certificate of Compliance; Appellant's Opening Brief Certificate of Service (Appellant)
18. 11-Jul-2016 FILED: Appellees' Answering Brief; Appellees' Certificate of Compliance for Answering Brief; Appellees' Certificate of Filing and Service for Answering Brief (Appellees)
19. 5-Aug-2016 FILED: Appellant's Motion to Strike Certain Portions of Answering Brief as Outside the Official Record; Certificate of Service Regarding Appellant's Motion To Strike Certain Portions of Answering Brief as Outside the Official Record (Appellant)
20. 5-Aug-2016 FILED: Appellant's Request for Oral Argument; Certificate of Service Regarding Appellant's Request for Oral Argument (Appellant)
21. 5-Aug-2016 FILED: Appellant's Reply Brief; Appellant's Reply Brief Certificate of Compliance; Certificate of Service Regarding Appellant's Reply Brief & Certificate of Compliance (Appellant)
22. 8-Aug-2016 FILED: Appellee's Response to Appellant's Motion to Strike; Certificate of Service (Appellee)
23. 8-Aug-2016 FILED: Appellee's Motion to Strike Certain Portions of Appellant's Reply Brief as Impermissible New Argument; Certificate of Service of Appellee's Motion to Strike Certain Portions of Appellant's Reply Brief as Impermissible New Argument (Appellee)
24. 10-Aug-2016 FILED: Appellees' Notice of Supplemental Authority; Certificate of Service of Appellees' Notice of of [sic] Supplemental Authority; Courtesy Copy - 1 CA-CV 14-0752 Opinion (Appellee)
25. 15-Aug-2016 FILED: Appellant's Cross-Designation of Notice of Supplemental Authority; Certificate of Service Regarding Appellant's Cross-Designation of Notice of Supplemental Authority (Appellant)
26. 15-Aug-2016 FILED: Appellant's Reply in Support of Motion to Strike Certain Portions of Answering Brief as Outside the Official Record; Certificate of Service (Appellant)
27. 19-Aug-2016 FILED: Appellant's Response to Appellant's Reply Brief as Impermissible New Argument; Certificate of Service (Appellant)
28. 22-Aug-2016 FILED: Appellees Reply to Appellants Response to Appellees Motion to Strike; Certificate of Service - Appellees Reply to Appellants Response to Appellees Motion to Strike (Appellee)
29. 23-Aug-2016 ORDERED: Appellant's Motion to Strike Certain Portions of Answering Brief as Outside the Official Record (Appellant) = GRANTED/striking portions of answering brief, as outlined in order. FURTHER ORDERED: deferring a ruling on appellees' Motion to Strike Certain Portions of Appellant's Reply Brief as Impermissible New Argument to panel that considers appeal on the merits. Melina Brill ProTem Judge - Author
30. 8-Sep-2016 ORDERED: Appellant's Request for Oral Argument (Appellant) = GRANTED. Oral argument will be scheduled in the normal course of the court's civil appeals calendar, and the court will notify counsel of the date. Hon Michael J Brown - Author