Court of Appeals, Division One

Civil Appeal

1 CA-CV 16-0453 LUND, et al. v. LUND, et al.

Appellate Case Information

Case Filed: 29-Jul-2016

Case Closed:

Dept/Composition

Side 1. In the Matter of the Guardianship of and Conservatorship for:

BRADFORD D LUND,

An Adult.

MICHELLE A LUND, et al., Petitioner/Appellant

(Litigant Group) MICHELLE A LUND, et al.

- **Michelle A Lund**
- **Kristen Lund Olson**

Co-Counsel for: Petitioners/Appellants

Paul J Mooney, Esq. (AZ Bar No. 6708)

Brian M Daucher, Esq. (CA Bar No. BDAUCHER)

Adrienne W Lee, Esq. (CA Bar No. AWLEE)

Side 2. WILLIAM S LUND, et al., Respondent/Appellee

(Litigant Group) WILLIAM S LUND, et al.

- **William S Lund**
- **Sherry L Lund**
- **Rachel Lund Schemitsch**

Attorneys for: Respondents/Appellees W. Lund

Sandra L Slaton, Esq. (AZ Bar No. 6454)

Kristin M Roebuck Bethell, Esq. (AZ Bar No. 31000)

Side 3. BRADFORD D LUND, Appellee

(Litigant Group) BRADFORD D LUND

- **Bradford D Lund**

Co-Counsel for: Appellee B. Lund

Joseph P Busch, III, Esq. (CA Bar No. JPBUSCH)

Stephen J P Kupiszewski, Esq. (AZ Bar No. 13290)

Jennifer L Kupiszewski, Esq. (AZ Bar No. 19916)

Side 4. WELLS FARGO BANK, Appellee

(Litigant Group) WELLS FARGO BANK

- **Wells Fargo Bank NA, Real Party in Interest**

Attorneys for: Real Party in Interest/Appellee

Roger T Hargrove, Esq. (AZ Bar No. 3662)

CASE STATUS

Jan 23, 2017....At Issue

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	PB2009-002244	Petition for Appointment of Guardian/Conservator		Robert H Oberbillig, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-16-0230-SA

3 OPEN DUE DATES

Answering Brief due **Due By:** Tuesday, December 27, 2016

Wells Fargo

Re: FILED: Appellants' Opening Brief (FILED UNDER SEAL) (Appellant)

Response to Motion due **Due By:** Tuesday, January 17, 2017

Re: FILED: Appellees Motion to Seal Response Brief; Cert of Service (Appellee)

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Court of Appeals, Division One

Civil Appeal

1 CA-CV 16-0453 LUND, et al. v. LUND, et al.

3 OPEN DUE DATES

Response to Motion due **Due By:** Monday, February 13, 2017

Re: FILED: Motion to Seal Appellants' Reply Brief; Certificate of Service of Motion to Seal Appellants' Reply Brief (Appellant)

3 PENDING MATTERS

General Motion Filed: 27-Dec-2016

Appellees Motion to Seal Response Brief (Appellee)

Div 1 Request for Oral Argument Filed: 23-Jan-2017

Request for Oral Argument (Appellant)

General Motion Filed: 23-Jan-2017

Motion to Seal Appellants' Reply Brief (Appellant)

75 PROCEEDING ENTRIES

1.	29-Jul-2016	FILED: Index of Record, Notice of Appeal filed in Maricopa Courty Superior Court on 07/27/2016
2.	29-Jul-2016	RECEIPT No.: 2016-00941 ; $280.00, Check Number: #4150, Applied to: LUND/OLSON - Class A Filing Fee ($280.00) Paid for: - By Mooney Wright & Moore PLLC
3.	29-Jul-2016	FILED: Appellant's Emergency Motion to Stay (Appellant)
4.	29-Jul-2016	FILED: Appellant's Motion to Seal Emergency Motion to Stay and Appendix (Appellant)
5.	29-Jul-2016	FILED: Appellant's Appendix in Support of Emergency Motion to Stay (Appellant)
6.	2-Aug-2016	FILED: Motion to Dismiss Appeal for Lack of Jurisdiction; Certificate of Service (Appellee William Lund)
7.	2-Aug-2016	ORDERED: granting motion to seal in part and accepting emergency motion to stay and appendix as filed under seal subject to reconsideration after full briefing on motion and subject to access by court personnel as needed for processing appeal. FURTHER ORDERED: response to emergency motion and motion to seal due 08/12/2016. FURTHER ORDERED: directing appellants to file reply on/before 08/19/2016. FURTHER ORDERED: staying portion of 07/21/2016 judgment that authorizes release of trust funds to Bradford D Lund no sooner than 08/10/2016, pending ruling on emergency motion to stay. Hon Andrew W Gould - Author
8.	5-Aug-2016	RECEIPT No.: 2016-00968 ; $140.00, Authorization: #17017659196, Applied to: WILLIAM S LUND, et al. - Class B Filing Fee ($140.00) Paid for: Horne Slaton PLLC - By Integrated Resource Systems IN
9.	11-Aug-2016	FILED: Wells Fargo Bank N.A.'s Response to Motion to Stay and Motion to Seal; Certificate of Service (Real Party in Interest)
10.	11-Aug-2016	FILED: Appellees Motion to Seal Response to Emergency Motion to Stay and Appendix (Bradford Lund Appellee)
11.	11-Aug-2016	FILED: Appellee's Response to Motion to Stay (Appellee William Lund)
12.	11-Aug-2016	FILED: Appellee's Appendix (Vol 1) (Appellee William Lund)
13.	11-Aug-2016	FILED: Appellee's Appendix (Vol.II) (Appellee Wiliam Lund)
14.	16-Aug-2016	RECEIPT No.: 2016-01016 ; $140.00, Authorization: #28023545869, Applied to: WELLS FARGO BANK - Class B Filing Fee ($140.00) Paid for: Fennemore Craig PC - By Integrated Resources System IN
15.	19-Aug-2016	FILED: Appellant's Motion to Seal Reply to Bradford Lunds Response to Emergency Motion to Stay (Michelle Lund)(Appellant)
16.	19-Aug-2016	FILED: Certificate of Service of Appellants Motion to Seal Reply to Bradford Lunds Response to Emergency Motion to Stay (Michelle Lund)(Appellant)
17.	19-Aug-2016	FILED: Appellants Reply in Support of Emergency Motion to Stay (Michelle Lund)(Appellant)
18.	19-Aug-2016	FILED: Appellants' Opposition to 8-11 Motion to Seal; Certificate of Service of Appellants' Opposition to 8-11 Motion to Seal (Appellant)
19.	22-Aug-2016	FILED: Appellants Motion to Seal Appellants Opposition to Motion to Dismiss Appeal Based on Lack of Jurisdiction (Appellant)
20.	22-Aug-2016	FILED: Appellants Opposition to Appellees Motion to Dismiss Appeal Based on Lack of Jurisdiction (Appellant)

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75 PROCEEDING ENTRIES

21.	25-Aug-2016	FILED: Additional Record on Appeal: Exhibits: 1 2 [sealed] in a Manila Envelope
22.	26-Aug-2016	FILED: Reply In Support Of Motion to Dismiss Appeal Based on Lack of Jurisdiction; Certificate of Service (Appellee)
23.	26-Aug-2016	FILED: Reply to Appellants Opposition to Appellees Motion to File Under Seal; Certificate of Service (Appellee)
24.	26-Aug-2016	FILED: Motion For Order Preventing Service on Non-Parties; Certificate of Service (Appellee)
25.	26-Aug-2016	FILED: e-Record on Appeal: Instruments/Minute Entries
26.	31-Aug-2016	FILED: Appellants' Response to Appellees' Motion for Order Preventing Service on Non-Parties; Certificate of Service of Appellants' Response to Appellees' Motion for Order Preventing Service on Non-Parties (Appellant)
27.	1-Sep-2016	FILED: Appellants' Notice of Trial Court Ruling: (1) Denying Motion for New Trial; (2) Denying Motion to Strike and for Sanctions/Contempt; and (3) Certifying Ruling Under Ariz.R.Civ.P. 54(c); Certificate of Service re: Appellants' Notice of Trial Court's Ruling (Appellant)
28.	1-Sep-2016	FILED: Certificate of Service to Wells Fargo Bank N.A'S Response to Appellants Emergency Motion to Stay and Motion to Seal (Real Party in Interest)
29.	2-Sep-2016	FILED: Motion for Expedited Ruling Re Appellants' Emergency Motion To Stay; Certificate of Service (Appellee)
30.	2-Sep-2016	FILED: Reply In Support of Motion Prevent Serving Non-Parties; Certificate of Service (Appellee)
31.	2-Sep-2016	FILED: Response to Appellants' Notice of Trial Court Ruling; Certificate of Service (Appellee)
32.	9-Sep-2016	ORDERED: granting Appellants' Motion to Seal Emergency Motion to Stay and Appendix, Appellees' Motion to Seal Response to Emergency Motion to Stay and Appendix, and Appellants' Motion to Seal Reply to Emergency Motion to Stay and the supplemental appendix, and accepting those documents as filed under seal subject to access by court personnel as needed for processing this appeal. FURTHER ORDERED: denying Appellants' Motion to Seal the Opposition to the Motion to Dismiss Appeal. FURTHER ORDERED: rulings are subject to reconsideration by the panel that considers appeal on the merits. FURTHER ORDERED: denying Appellees' Motion to Dismiss Appeal Based on Lack of Jurisdiction. FURTHER ORDERED: granting Appellants' Emergency Motion to Stay and staying the portion of the 07/21/2016 judgment that authorizes the release of trust funds to Bradford D Lund "no sooner than 08/10/2016," pending further order of this court. FURTHER ORDERED: denying Appellees' request for sanctions. FURTHER ORDERED: case management statement due 09/19/2016. FURTHER ORDERED: opening brief due 10/11/2016. Hon Andrew W Gould - Author
33.	13-Sep-2016	ORDERED: Motion For Order Preventing Service on Non-Parties (Appellee) = GRANTED/directing parties to serve all filings in this appeal on only parties to this appeal. Hon Jon W Thompson - Author
34.	15-Sep-2016	FILED: Motion for a Procedural Order Granting Extension of Time to File Appellants' Opening Brief; Certificate of Service of Motion for a Procedural Order Granting Extension of Time to File Appellants' Opening Brief (Appellant)
35.	15-Sep-2016	FILED: Courtesy Copy - Motion to File Petition for Special Action and Petitioners' Appendix Vol. I and II Under Seal filed in Arizona Supreme Court (Appellee B. Lund)
36.	15-Sep-2016	FILED: Courtesy Copy - Petition for Special Action, Filed Under Seal in Arizona Supreme Court (Appellee B. Lund)
37.	15-Sep-2016	FILED: Courtesy Copy - Petitioners' Appendix Volume I, Filed Under Seal in Arizona Supreme Court (Appellee B. Lund)
38.	15-Sep-2016	FILED: Courtesy Copy - Petitioners' Appendix Volume II, Filed Under Seal in Arizona Supreme Court (Appellee B. Lund)
39.	19-Sep-2016	FILED: Case Management Statement (Appellants)
40.	19-Sep-2016	ORDERED: Motion for a Procedural Order Granting Extension of Time to File Appellants' Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 10-11-2016 to Thursday, 11-10-2016. Melina Brill ProTem Judge - Author
41.	20-Sep-2016	FILED: Appellees' Motion to Expedite Appeal Pursuant to Arizona Rules of Civil Procedure, Rule 3(a); Certificate of Service (Appellee)
42.	21-Sep-2016	ORDERED: Appellees' Motion to Expedite Appeal Pursuant to Arizona Rules of Civil Procedure, Rule 3(a) (Appellee) = DENIED. Hon Michael J Brown - Author
43.	22-Sep-2016	FILED: Appellees' Certificate of Service for Motion to Expedite Appeal Pursuant to Arizona Rules of Civil Appellate Procedure, Rule 3(a) (Appellees)

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44.	26-Sep-2016	FILED: Appellees' Certificate of Service for Supplement to Petitioners' Special Action Appendix and Request to Take Judicial Notice Pursuant to Arizona Rules of Civil Appellate Procedure, Rule 3(a) (Appellee W Lund) (Appellee B Lund)
45.	28-Sep-2016	FILED: Reporters Transcript (12/07/15) [Linda Gundelach], (01/21/16) [Kate E Roundy], (03/23/16, 03/28/16, 03/29/16, 03/30/16, 03/31/16, 04/01/16, 04/04/16, 04/05/16, 04/06/16, 04/07/16, 04/08/16) [Amy E Stewart], (06/01/16) [Kari Watford], (06/17/16) [Liesl T Springer], (07/21/16) [Dawn Carrero] (FILED UNDER SEAL)
46.	29-Sep-2016	FILED: Appellants' Motion to Seal Trial and Hearing Transcripts; Certificate of Service of Appellants' Motion to Seal Trial and Hearing Transcripts (Appellant)
47.	29-Sep-2016	FILED: Appellants' Notice of Filing Certified Trial and Hearing Transcripts in Court of Appeals; Certificate of Service of Appellants' Notice of Filing Certified Trial and Hearing Transcripts in Court of Appeals (Appellant)
48.	6-Oct-2016	FILED: Response to Appellants' Motion to Seal Trial and Hearing Transcripts; Cert. of Service (Appellee)
49.	17-Oct-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
50.	17-Oct-2016	FILED: Additional Record on Appeal: Exhibits: HD 03/28/2016 LIST# 1 3 4 5 6 8 9 10 11 24 29 30 34 36 37 38 44 46 47 83 97 105 106 111 122 127 128 129 130 131 132 133 134 135 137 138 139 144 148 149 151 152 161 162 165 166 167 171 176 181 189 191 196 197 200 205 207 209 210 213 214 222 231 252 253 257 261 266 267 268 311 312 313 314 325 329 330 332 334 338 342 343 344 348 353 394 395 396 397 398 400 410 411 418 427 428 430 431 432 433 434 445 446 476 478 479 480 481 482 485 487 488 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 [ALL EXHIBITS SEALED IN THREE BOXES]
51.	19-Oct-2016	FILED: Appellants' Motion to Seal Motion for An Order to Correct, or Alternatively to Augment, the Record on Appeal; Certificate of Service of Appellants' Motion to Seal Motion for An Order to Correct, or Alternatively to Augment, the Record on Appeal (Appellant)
52.	19-Oct-2016	FILED: Appellants' Reply on Motion to Seal Trial and Hearing Transcripts; Certificate of Service of Appellants' Reply on Motion to Seal Trial and Hearing Transcripts (Appellant)
53.	19-Oct-2016	FILED: Appellants' Notice of Filing Trial Exhibits 96, 147, and 490; Certificate of Service of Appellants' Notice of Filing Trial Exhibits 96, 147, and 490 (Appellants)
54.	19-Oct-2016	FILED: Courtesy Copy - Statement of Decision filed 06/03/2014 in Superior Court of California, County of Los Angeles (Appellants
55.	19-Oct-2016	FILED: Policy Form 108.1 Informed Consent/Assent for Psychotropic Medication Treatment (Appellants)
56.	19-Oct-2016	FILED: Courtesy Copy - Defendant's Separate Statement of Facts in Support of Motion for Summary Judgment re: Absence of Causal Connection between Damages and Alleged Misconduct filed 02/04/2000 in United States District Court for the District of Arizona (Appellants)
57.	19-Oct-2016	FILED: Appellants Motion for An Order to Corrrect, or Alternatively to Augment, the Record on Appeal (Filed Under Seal)(Appellant)
58.	24-Oct-2016	ORDERED: Appellants' Motion to Seal Trial and Hearing Transcripts; Certificate of Service of Appellants' Motion to Seal Trial and Hearing Transcripts (Appellant) = GRANTED. Accepting transcripts, as outlined in order, as filed under seal on 09/28/2016. Subject to access by court personnel as needed for processing this appeal. Hon Kenton D Jones Judge - Author
59.	7-Nov-2016	FILED: Appellees Motion to Seal Response to Appellants Motion for an Order to Correct , or Alternatively to Augment, the Record on Appeal (Appellee)
60.	7-Nov-2016	FILED: Appellees Response to Appellants Motion for An Order to Correct, or Alternatively to Augment, the Record on Appeal (Appellee) (SEALED by Order filed 11/30/16)
61.	10-Nov-2016	FILED: Motion to Seal Appellants' Opening Brief and Appendix Thereto; Certificate of Service of Motion to Seal Appellants' Opening Brief and Appendix Thereto (Appellant)
62.	10-Nov-2016	FILED: Appellants' Opening Brief (FILED UNDER SEAL) (Appellant)
63.	10-Nov-2016	FILED: Appendix to Appellants' Opening Brief (FILED UNDER SEAL) (Appellant)
64.	10-Nov-2016	FILED: Certificate of Compliance for Appellants' Opening Brief (Appellant)
65.	10-Nov-2016	FILED: Certificate of Service of Appellants' Opening Brief and Appendix to Appellants' Opening Brief (Appellant)
66.	21-Nov-2016	FILED: Appellants' Reply in Support of Motion to Correct, or Alternatively to Augment, the Record on Appeal; Certificate of Service of Appellants' Reply in Support of Motion to Correct, or Alternatively to Augment, the Record on Appeal (Appellant)

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75 PROCEEDING ENTRIES

67.	30-Nov-2016	ORDERED: denying the motion to correct or augment the record as to the documents filed after 08/19/2016, the exhibits admitted at trial, and Exhibits F and J to the Guardian Ad Litem's "Reply re Petition for Order" as moot. FURTHER ORDERED: granting the motion to correct or augment the record as to the deposition testimony of Bradford Lund and confirming Tab 22 to the appendix to the opening brief is part of the record on appeal. FURTHER ORDERED: granting the motion to correct or augment the record as to trial exhibits 96, 147, and 490, and accepting those exhibits as filed under seal on 10/19/2016. FURTHER ORDERED: granting the motions to seal and accepting Appellants' Motion for an order to Correct, or alternatively to Augment, the Record on Appeal and the response thereto as filed under seal, subject to access by court personnel as needed for processing this appeal. Hon Diane M Johnsen - Author
68.	8-Dec-2016	ORDERED: Motion to Seal Appellants' Opening Brief and Appendix Thereto; Certificate of Service of Motion to Seal Appellants' Opening Brief and Appendix Thereto (Appellant) = GRANTED/accepting the opening brief and appendix thereto as filed under seal on 11/10/2016, subject to access by court personnel as needed for processing this appeal. Hon Michael J Brown - Author
69.	13-Dec-2016	FILED: Letter from ASC dated 12/13/2016 re: granting request to take judicial notice, denying request for Oral Argument, declining jurisdiction of Petition for Special Action
70.	27-Dec-2016	FILED: Appellees Motion to Seal Response Brief; Cert of Service (Appellee)
71.	27-Dec-2016	FILED: Appellees' Response Brief (Appellees Lund) (FILED UNDER SEAL)
72.	27-Dec-2016	FILED: Appellees' Appendix (Appellees Lund) (FILED UNDER SEAL)
73.	23-Jan-2017	FILED: Motion to Seal Appellants' Reply Brief; Certificate of Service of Motion to Seal Appellants' Reply Brief (Appellant)
74.	23-Jan-2017	FILED: Request for Oral Argument; Certificate of Service of Request for Oral Argument (Appellant)
75.	23-Jan-2017	FILED: Appellants' Reply Brief (Appellants) (FILED UNDER SEAL)

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