

Court of Appeals, Division One

Civil Appeal

1 CA-CV 20-0057

SUNLAND v. MILKY WAY, et al.

Appellate Case Information

Case Filed: 23-Jan-2020
Case Closed:

Dept/Composition

Department E
Hon. James B Morse Jr.
Hon. Maria Elena Cruz
Hon. Paul J McMurdie

Side 1. SUNLAND DAIRY LLC, Plaintiff/Appellee-Cross Appellant
(Litigant Group) SUNLAND DAIRY LLC

- Sunland Dairy LLC

Attorneys for: Plaintiff/Appellee/Cross-Appellant

Chris R Baniszewski, Esq. (AZ Bar No. 15617)
Andrea Simbro, Esq. (AZ Bar No. 31530)

Side 2. MILKY WAY DAIRY LLC, et al., Defendant/Appellant-Cross Appellee
(Litigant Group) MILKY WAY DAIRY LLC, et al.

- Milky Way Dairy LLC
Arie De Jong
Nina De Jong

Attorneys for: Defendants/Appellants/X-Appellees

Michael McGrath, Esq. (AZ Bar No. 6019)
D Alexander Winkelman, Esq. (AZ Bar No. 34120)

CASE STATUS

Sep 29, 2020....Assigned

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2015-014128, Breach of Contract; Unjust Enrichment, Danielle J Viola, Authoring Judge of Order.

CALENDAR

Monday MONTHLY COURT CASE CALENDAR CV Cases
23-Nov-2020 Department E; COURTROOM 2
11:00 AM

51 PROCEEDING ENTRIES

- 1. 23-Jan-2020 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 12/24/19, Notice of Cross-Appeal from Maricopa County Superior Court filed 01/07/20
2. 23-Jan-2020 FILED: e-Record on Appeal: Combined Minute Entries/Instruments
3. 23-Jan-2020 FILED: Additional record on appeal: HD 02/19/2019 - LIST # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 49 50 52 52.001 52.002 54 55 56 58 63 65 66 72 73 74 77 79 85 86 87 in a Box
4. 29-Jan-2020 FILED: Appellate Clerk Notice re: Appellants' Fee/Case Management Statement/Brief Due
5. 10-Feb-2020 FILED: Notice of Filing Transcript (Reporter's Transcript - 12/08/2017 - Transcript Re: Oral Argument Regarding Defendant's Motion to Dismiss Count V of the Second Amended Complaint (Coleen Rand)) (Appellant)
6. 10-Feb-2020 FILED: Notice of Filing Transcript (Reporter's Transcript - 10/16/2018 - Oral Argument (Kimberly McCright)) (Appellant)
7. 10-Feb-2020 FILED: Notice of Filing Transcript (Reporter's Transcript - 12/21/2018 - Pretrial Management Conference (Kimberly McCright)) (Appellant)
8. 10-Feb-2020 FILED: Notice of Filing Transcript (Reporter's Transcript - 06/27/2019 - Mtn for Attys Fees; Mtn for Jdgt (Catherine Turner)) (Appellant)
9. 10-Feb-2020 FILED: Notice of Filing Transcript (Reporter's Transcript - 09/06/2019 - Mtn Stay Proceedings; Mtn to File Under Seal (Kimberly McCright)) (Appellant)
10. 10-Feb-2020 FILED: Notice of Filing Transcript (Reporter's Transcript - 05/09/2018 - Plaintiff's Motion for Partial Summary Judgment and Defendant's Motion for Summary Judgment (Coleen Rand)) (Appellant)
11. 10-Feb-2020 FILED: Reporter's Transcript - 07/20/2018 - Final Trial Management Conference (Coleen Rand) (Appellant)

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12. 11-Feb-2020 FILED: Notice of Filing Transcripts (Reporter's Transcript - 02/19/2019 - Trial Day 1 - A.M. (Crystal Hereford); Reporter's Transcript - 02/19/2019 - Trial Day 1 - P.M. (Crystal Hereford) attached as exhibits) (Appellant)
13. 11-Feb-2020 FILED: Notice of Filing Transcript (Reporter's Transcript - 02/26/2019 - Trial Day 5 (Crystal Hereford) attached as exhibit) (Appellant)
14. 11-Feb-2020 FILED: Notice of Filing Transcript (Reporter's Transcript - 02/28/2019 - Trial Day 7 (Crystal Hereford) attached as exhibit) (Appellant)
15. 11-Feb-2020 FILED: Notice of Filing Transcript (Reporter's Transcript - 02/20/2019 - Trial Day 2 (Crystal Hereford) attached as exhibit) (Appellant)
16. 11-Feb-2020 FILED: Amended Notice of Filing Transcript (Reporter's Transcript - 02/21/2019 - Trial Day 3 (Crystal Hereford) attached as exhibit) (Appellant)
17. 11-Feb-2020 FILED: Notice of Filing Transcript (Reporter's Transcript - 02/25/2019 - Trial Day 4 (Crystal Hereford) attached as exhibit) (Appellant)
18. 11-Feb-2020 FILED: Notice of Filing Transcript (Reporter's Transcript - 02/27/2019 - Trial Day 6 (Crystal Hereford) attached as exhibit) (Appellant)
19. 14-Feb-2020 RECEIPT No.: 2020-00172 ; \$280.00, Authorization: #44020964180, Applied to: MILKY WAY DAIRY LLC, et al. - Class A Filing Fee (\$280.00) Paid for: Mesch Clark & Rothschild PC - By nCourt LLC
20. 18-Feb-2020 FILED: Case Management Statement (Appellant)
21. 20-Feb-2020 ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal to/including 3/22/2020. Signed order re: minute entry of 12/20/2019 filed 12/23/2019 [sic] due within 10 days after its entry. If appeal reinstated by filing of signed order, cross-appeal case management statement due 4/2/2020 and opening brief due 4/22/2020. Melina Brill ProTem Judge - Author
22. 25-Feb-2020 FILED: (Untitled) Payment of Filing Fee; (Untitled) Payment of Filing Fee (DUPLICATE) (Cross-Appellant)
23. 26-Feb-2020 FILED: Motion to Expand Revested Jurisdiction of Maricopa County Superior Court; Certificate of Service (Appellant)
24. 27-Feb-2020 ORDERED: Motion to Expand Revested Jurisdiction of Maricopa County Superior Court (Appellant) = GRANTED and amending the 02/20/2020 order by deleting the reference to the minute entry "dated 12/20/2019, and filed 12/23/2019" and replacing those dates with "dated 12/12/2019, and filed 12/13/2019." Melina Brill ProTem Judge - Author
25. 2-Mar-2020 RECEIPT No.: 2020-00313 ; \$280.00, Authorization: #62006996715, Applied to: SUNLAND DAIRY LLC - Class A Filing Fee (\$280.00) Paid for: Warner Angle Hallam Jackson & Formanek PLC - By nCourt LLC
26. 16-Mar-2020 FILED: Notice of Filing Maricopa Superior Court Order; Certificate of Service (Appellant)
27. 30-Mar-2020 FILED: Case Management Statement (Cross-Appellant)
28. 16-Apr-2020 FILED: Appellants' Motion for Order to Extend Time for Filing Opening Brief; Certificate of Service (Appellant)
29. 20-Apr-2020 ORDERED: Appellants' Motion for Order to Extend Time for Filing Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 04-22-2020 to Monday, 05-08-2020. Melina Brill ProTem Judge - Author
30. 23-Apr-2020 FILED: Appellate Clerk Notice Re: Cross Appellant's Fee Paid and Case Management Statement Filed/Appellant's Brief Due
31. 1-May-2020 FILED: Supplemented Superior Court e-Record with Revised Index of Record
32. 8-May-2020 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
33. 8-May-2020 FILED: Appendix to Appellants' Opening Brief Volume 1 of 4 Pages App. 1 - 98 (Appellant/Cross-Appellee)
34. 8-May-2020 FILED: Appendix to Appellants' Opening Brief Volume 2 of 4 Pages App. 99 - 217 (Appellant/Cross-Appellee)
35. 8-May-2020 FILED: Appendix to Appellants' Opening Brief Volume 3 of 4 Pages App. 218 - 327 (Appellant/Cross-Appellee)
36. 8-May-2020 FILED: Appendix to Appellants' Opening Brief Volume 4 of 4 Pages App. 328 - 495 (Appellant/Cross-Appellee)
37. 29-May-2020 FILED: Sunland Dairy, LLC's Motion for Order to Extend Time to File Appellee's Answering Brief and Opening Brief on Cross-Appeal; Certificate of Service (Appellee)

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38. 1-Jun-2020 ORDERED: Sunland Diary, LLC's Motion for Order to Extend Time to File Appellee's Answering Brief and Opening Brief on Cross-Appeal (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 06-17-2020 to Friday, 06-26-2020. Melina Brill ProTem Judge - Author
39. 11-Jun-2020 FILED: Appellants' Motion for Oral Argument; Certificate of Service (Appellant)
40. 15-Jun-2020 FILED: Sunland Diary, LLC's Motion for Procedural Order to Extend Word Limit of Appellee's Answering Brief; Certificate of Service (Appellee)
41. 18-Jun-2020 ORDERED: Sunland Diary, LLC's Motion for Procedural Order to Extend Word Limit of Appellee's Answering Brief (Appellee) = GRANTED and allowing appellee/cross-appellant to file an answering brief with up to 19,000 words. Hon Peter B Swann - Author
42. 26-Jun-2020 FILED: Appellee's Combined Answering Brief on Appeal and Opening Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
43. 5-Aug-2020 FILED: Appellants' Reply Brief and Answering Brief on Cross Appeal; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
44. 25-Aug-2020 FILED: Appellee's Reply Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
45. 17-Sep-2020 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
46. 28-Sep-2020 FILED: Supplemented Superior Court e-Record with Revised Index of Record
47. 29-Sep-2020 CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 11-23-20, 11:00 am, COURTROOM 2.
48. 29-Sep-2020 ORDERED: Appellants' Motion for Oral Argument (Appellant) = GRANTED. Hon Peter B Swann - Author
49. 14-Oct-2020 FILED: Notice of Oral Argument
50. 15-Oct-2020 FILED: Return Receipt for Notice of Oral Argument, signed by D. Alexander Winkelman on 10/14/2020 (Appellant/Cross-Appellee)
51. 16-Oct-2020 FILED: Return Receipt for Notice of Oral Argument, signed by Chris Baniszewski on 10/14/2020 (Appellee/Cross-Appellant)