

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0523

KS STATEBANK v. HUNTER

Appellate Case Information

Case Filed: 18-Aug-2022

Case Closed:

Dept/Composition

Department B

Hon. Michael J Brown
Hon. Andrew M Jacobs
Hon. David B Gass

Side 1. KS STATEBANK, INC., Defendant/Appellant/Cross-Appellee

(Litigant Group) KS STATEBANK, INC.

- KS Statebank Inc

Attorneys for: Defendant/Appellant/Cross-Appellee

Cameron C Artigue, Esq. (AZ Bar No. 11376)

Jacqueline Marzocca, Esq. (AZ Bar No. 37140)

Side 2. DENNIS SABAN, Defendant

Side 3. HUNTER FINANCIAL, INC., Plaintiff/Appellee/Cross-Appellant

(Litigant Group) HUNTER FINANCIAL, INC.

- Hunter Financial Inc

Attorneys for: Plaintiff/Appellee/Cross-Appellant

Brian Holohan, Esq. (AZ Bar No. 9124)

Kelley M Jancaitis, Esq. (AZ Bar No. 25555)

CASE STATUS

Mar 1, 2024.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2018-014804					
MAR CV2020-011753	Breach of Contract		M Scott McCoy, Authoring Judge of Order		
MAR CV2020-015272					

DESCENDENT CASE(S)

ASC CV-24-0016-PR

CASE DECISION

16-Jan-2024 MEMORANDUM DECISION

David Gass.....Author

Michael Brown.....Concur

Andrew Jacobs.....Concur

Filed: 16-Jan-2024

Mandate:

Decision Disposition

Vacated

Remanded

56 PROCEEDING ENTRIES

- 18-Aug-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/21/22; Notice of Cross-Appeal filed in Superior Court of Maricopa County 8/5/22
- 18-Aug-2022 FILED: e-Record on Appeal: (CV2020-011753)
Instruments/Minute
Exhibits: None
- 18-Aug-2022 FILED: e-Record on Appeal: (CV2018-014804)
Instruments/Minute Entries
Exhibits: None
- 18-Aug-2022 FILED: e-Record on Appeal: (CV2020-015272)
Instruments/Minute Entries
Exhibits: None
- 18-Aug-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due

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6.	19-Aug-2022	FILED: Letter dated 08/19/2022 from Counsel for Appellant/Cross-Appellee Re: Appellant's Filing Fee (Appellant/Cross-Appellee)
7.	25-Aug-2022	RECEIPT No.: 2022-00898 ; \$280.00, Authorization: 37008115692, Applied to: KS STATEBANK, INC. - Class A Filing Fee (\$280.00) Paid for: Gammage & Burnham PLC - By nCourt LLC
8.	26-Aug-2022	FILED: Case Management Statement (Appellant)
9.	6-Sep-2022	FILED: Appellate Clerk Notice Re: Cross Appellant's Fee and Case Management Statement Due/Cross-Appellee Brief Due/Appellee Fee Due
10.	8-Sep-2022	FILED: Notice of Appearance; Certificate of Service (Appellee/Cross-Appellant)
11.	12-Sep-2022	FILED: Notice of Paying Cross-Appellant Filing Fee; Certificate of Service (Appellee/Cross-Appellant)
12.	14-Sep-2022	RECEIPT No.: 2022-00970 ; \$280.00, Authorization: #57003746141, Applied to: HUNTER FINANCIAL, INC. - Class A Filing Fee (\$280.00) Paid for: Broening Oberg Woods & Wilson PC - By nCourt LLC (Memo: Partial Payment \$140)
13.	14-Sep-2022	RECEIPT No.: 2022-00974 ; \$140.00, Authorization: #57003746141, Applied to: HUNTER FINANCIAL, INC. - Class A Filing Fee (\$140.00) Paid for: Broening Oberg Woods & Wilson PC - By nCourt LLC (Memo: X-Ref: 2022-00970 Partial Payment)
14.	14-Sep-2022	VOID RECEIPT No.: 2022-00970 - \$-280.00, Authorization: #57003746141, - Applied to: HUNTER FINANCIAL, INC. - Class A Filing Fee (\$-280.00) Paid for: Broening Oberg Woods & Wilson PC - By: nCourt LLC (Memo: Partial Payment \$140) VOID Reason: Incorrect Payment Amount - XRef Receipt # 2022-00974
15.	16-Sep-2022	RECEIPT No.: 2022-00984 ; \$420.00, Authorization: #59009628627, Applied to: HUNTER FINANCIAL, INC. - Class A Filing Fee (\$280.00), Class A Filing Fee (\$140.00) Paid for: Broening Oberg Woods & Wilson PC - By Broening Oberg Woods & Wilson PC
16.	16-Sep-2022	VOID RECEIPT No.: 2022-00984 - \$-420.00, Authorization: #59009628627, - Applied to: HUNTER FINANCIAL, INC. - Class A Filing Fee (\$-280.00), Class A Filing Fee (\$-140.00) Paid for: Broening Oberg Woods & Wilson PC - By: Broening Oberg Woods & Wilson PC VOID Reason: x-ref 2022-00985 incorrect amount tendered .alc
17.	16-Sep-2022	RECEIPT No.: 2022-00985 ; \$140.00, Authorization: #59009628627, Applied to: HUNTER FINANCIAL, INC. - Class A Filing Fee (\$140.00) Paid for: Broening Oberg Woods & Wilson PC - By nCourt LLC (Memo: XRef 2022-00984)
18.	26-Sep-2022	FILED: Cross-Appellant's Case Management Statement (Appellee/Cross-Appellant)
19.	6-Oct-2022	FILED: Motion for Procedural Order to Extend Time for Opening Brief; Certificate of Service for Appellant's Motion for Procedural Order to Extend Time to Submit Opening Brief (Appellant/Cross-Appellee)
20.	7-Oct-2022	ORDERED: Motion for Procedural Order to Extend Time for Opening Brief (Appellant/Cross-Appellee) = GRANTED. Due date EXTENDED from Monday, 10-17-2022 to Monday, 11-28-2022. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
21.	28-Nov-2022	FILED: Opening Brief; Certificate of Compliance for Appellant's Opening Brief; Certificate of Service for Appellant's Opening Brief (Appellant/Cross-Appellee)
22.	15-Dec-2022	FILED: Motion for Procedural Order Extending Time to File Answering Brief and Opening Brief on Cross-Appeal; Certificate of Service (Appellee/Cross-Appellant)
23.	19-Dec-2022	ORDERED: Motion for Procedural Order Extending Time to File Answering Brief and Opening Brief on Cross-Appeal (Appellee/Cross-Appellant) = GRANTED. Due date EXTENDED from Monday, 01-09-2023 to Wednesday, 02-08-2023. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
24.	8-Feb-2023	FILED: Defendant/Appellee/Cross-Appellant Hunter Financial, Inc.'s Answering Brief and Opening Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
25.	17-Feb-2023	ORDERED: Upon filing of the cross-appeal reply brief, this appeal will be submitted for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
26.	27-Feb-2023	FILED: Motion to Correct Caption; Certificate of Service for Motion to Correct Caption (Appellant/Cross-Appellee)
27.	6-Mar-2023	FILED: Motion For Procedural Order To Extend Time For Reply/Cross-Answering Brief; Certificate Of Service For Appellant's Motion For Procedural Order To Extend Time To Submit Reply Brief/Cross-Answering Brief (Appellant/Cross-Appellee)
28.	7-Mar-2023	ORDERED: Motion For Procedural Order To Extend Time For Reply/Cross-Answering Brief (Appellant/Cross-Appellee) = GRANTED. Due date EXTENDED from Monday, 03-20-2023 to Wednesday, 04-19-2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
29.	13-Mar-2023	FILED: Response To Motion To Correct Caption; Certificate of Service (Appellee/Cross-Appellant)

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30. 22-Mar-2023 ORDERED: Motion to Correct Caption (Appellant/Cross-Appellee) = GRANTED in part and amending the caption by correcting the spelling of Dennis Saban's name and removing Mr. Saban as an appellee. FURTHER ORDERED: Denying the remaining relief requested in the motion. FURTHER ORDERED: The caption shown on this order shall be used on all future documents filed in this appeal. Melina Brill ProTem Judge - Author
31. 18-Apr-2023 FILED: Answering Brief on Cross-Appeal and Reply Brief; Certificate of Compliance for KS Statebank Inc.'s Answering Brief on Cross-Appeal and Reply Brief; Certificate of Service for KS Statebank Inc.'s Answering Brief on Cross-Appeal and Reply Brief (Appellant/Cross-Appellee)
32. 8-May-2023 FILED: Motion for Procedural Order Extending Time to File Reply Brief on Cross-Appeal (First Request); Certificate of Service (Appellee/Cross-Appellant)
33. 8-May-2023 FILED: Supplement to Motion for Procedural Order Extending Time to File Reply Brief on Cross-Appeal (First Request); Certificate of Service (Appellee/Cross-Appellant)
34. 8-May-2023 ORDERED: Motion for Procedural Order Extending Time to File Reply Brief on Cross-Appeal (First Request) (Appellee/Cross-Appellant) = GRANTED. Due date EXTENDED from Monday, 05-08-2023 to Monday, 05-15-2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
35. 8-May-2023 FILED: Hunter Financial, Inc.'s Reply Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
36. 31-May-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
37. 9-Jun-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
38. 9-Jun-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
39. 28-Jun-2023 CLNDR: CONFERENCE, Department B, 8-29-23, COURTROOM 2.
40. 29-Sep-2023 ORDERED: No later than 10/27/2023, the parties shall file simultaneous supplemental briefs of no more than ten pages. The supplemental briefs need not include a statement of facts, and the parties may reference relevant facts by referring to their previously submitted briefs. FURTHER ORDERED: Motions for extension of time will not be entertained. FURTHER ORDERED: Upon submission of the briefs ordered above, this court shall re-conference the case. Hon Michael J Brown - Author
41. 29-Sep-2023 ORDERED: Setting oral argument in this matter on Tuesday, 11/28/2023, at 10:15 a.m. in Courtroom 1. Hon Michael J Brown - Author
42. 2-Oct-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Kelley Jancaitis on 10/02/2023 (Appellee/Cross-Appellant)
43. 2-Oct-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Cameron Artigue on 09/29/2023 (Appellant/Cross-Appellee)
44. 27-Oct-2023 FILED: Hunter Financial, Inc.'s Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
45. 27-Oct-2023 FILED: Supplemental Brief of Appellant/Cross-Appellee KS Statebank; Certificate of Compliance for Supplemental Brief of Appellant/Cross-Appellee KS Statebank; Certificate of Service for Supplemental Brief of Appellant/Cross-Appellee KS Statebank (Appellant/Cross-Appellee)
46. 30-Oct-2023 FILED: Unopposed Motion to Accept Supplemental Brief as Timely Filed; Certificate of Service (Appellee/Cross-Appellant)
47. 1-Nov-2023 ORDERED: Unopposed Motion to Accept Supplemental Brief as Timely Filed (Appellee/Cross-Appellant) = GRANTED. Hon Michael J Brown - Author
48. 28-Nov-2023 FILED: Sign-in Sheet/Case is Under Advisement as of 11/28/2023
49. 16-Jan-2024 MEMORANDUM DECISION (Vacated, Remanded) Hon David B Gass - Author; Hon Michael J Brown - Concur; Hon Andrew M Jacobs - Concur
50. 16-Jan-2024 FILED: Decision Distribution Notification
51. 24-Jan-2024 FILED: ASC Order filed 01/24/2024 re: denying the Motion for Extension for Petition for Review without prejudice to Defendant/Appellant/Cross-Appellee KS Statebank's ability to file a motion in compliance with ARCAP 6(b). This matter is subject to dismissal if a compliant motion or petition for review is not filed by 02/15/2024.
52. 25-Jan-2024 FILED: ASC order filed 01/25/2024 re: extending time for filing Petition for Review to 03/01/2024.
53. 29-Jan-2024 FILED: Statement of Costs; Certificate of Service (Appellee/Cross-Appellant)
54. 20-Feb-2024 ORDERED: Statement of Costs (Appellee/Cross-Appellant) = GRANTED in the amount of \$360.40. Hon David B Gass - Author

Court of Appeals, Division One

Civil Appeal

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| 55. | 19-Apr-2024 | FILED: Email Notice from ASC re: Petition for Review filed 3/1/24; request for partial record |
| 56. | 19-Apr-2024 | FILED: Letter forwarding partial record to Arizona Supreme Court |