

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0721

BERENT v. MROCZKOWSKA

Appellate Case Information

Case Filed: 6-Dec-2022

Case Closed:

Dept/Composition

Department B

Hon. Michael J Brown
Hon. Samuel A Thumma
Hon. Kent E Cattani

Side 1. NANCY BERENT, Plaintiff/Appellant

(Litigant Group) NANCY BERENT

- Nancy Berent

PRO SE

Side 2. GRAZYNA MROCZKOWSKA, et al., Defendant/Appellee

(Litigant Group) GRAZYNA MROCZKOWSKA, et al.

- Grazyna Mroczkowska

Attorneys for: Defendant/Appellee

Debra S Brockway, Esq. (AZ Bar No. 14974)

- Mirosław Mroczkowski

(Litigant Group) BELL WEST RANCH HOMEOWNERS ASSOCIATION INC.

- Bell West Ranch Homeowners Association Inc

Attorneys for: Defendant/Appellee Bell West

Kesley P Dressen, Esq. (AZ Bar No. 32986)

Joseph A Brophy, Esq. (AZ Bar No. 26662)

CASE STATUS

Feb 2, 2024.....Pending in ASC

PREDECESSOR CASE(S) +	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2016-095220					
MAR CV2017-052655	Administrative Review		Daniel J Kiley, Authoring Judge of Order		
MAR LC2018-000464-001	Judicial Reveiw of Administrative Decision		Patricia A Starr, Authoring Judge of Order		
MAR LC2021-000100-001					

DESCENDENT CASE(S)

ASC CV-24-0021-PR

CASE DECISION

04-Jan-2024 MEMORANDUM DECISION

Michael Brown.....Author

Samuel Thumma.....Concur

Kent Cattani.....Concur

Filed: 04-Jan-2024

Mandate:

Decision Disposition

Affirmed

88 PROCEEDING ENTRIES

- 6-Dec-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/01/22and Notice of Appeal from Maricopa County Superior Court filed 12/16/22 and Notice of Appeal from Maricopa County Superior Court filed 1/23/23 and Notice of Appeal from Maricopa County Superior Court filed 2/6/23
- 6-Dec-2022 FILED: e-Record on Appeal:(LC2018-000464-001)
Instruments/Minute Entries
Exhibits: None
- 6-Dec-2022 FILED: e-Record on Appeal: (LC2021-000100-001)
Instruments/Minute Entries
Exhibits: None

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4.	6-Dec-2022	FILED: e-Record on Appeal: (CV2017-052655) Instruments/Minute Entries Exhibits: None
5.	6-Dec-2022	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
6.	7-Dec-2022	FILED: Copy of Appellate Clerk Notice Filed 12/06/2022; Copy of Appellate Clerk Notice Filed 12/06/2022 (Duplicate); Copy of Appellate Clerk Notice Filed 12/06/2022 (Duplicate) (Appellant Pro Per)
7.	12-Dec-2022	FILED: Case Management Statement (1st) (Appellant Pro Per)
8.	12-Dec-2022	RECEIPT No.: 2022-01241 ; \$280.00, Authorization: #46004824523, Applied to: NANCY BERENT - Class A Filing Fee (\$280.00) Paid for: NANCY BERENT - By nCourt LLC
9.	12-Dec-2022	FILED: Request to Participate in Pro Bono Program (Appellant Pro Per)
10.	12-Dec-2022	FILED: Rule 73 Violation (Appellant Pro Per)
11.	12-Dec-2022	FILED: Emergency Writ Order Prohibited Passive be Removed by Vision Management Due to Neglme [sic] Dated Incorrectly Set Backs (Appellant Pro Per)
12.	12-Dec-2022	FILED: Special Action Expediated [sic] Review Felony in Progress Rule 60 (Appellant Pro Per)
13.	12-Dec-2022	FILED: Appendix - Transcript of 11/21/2017 Oral Argument (Appellant Pro Per)
14.	12-Dec-2022	FILED: Appendix - Transcript of 07/26/2019 Status Conference (Appellant Pro Per)
15.	12-Dec-2022	FILED: Appendix - Transcript of 06/12/2020 Telephonic Trial Setting Conference (Appellant Pro Per)
16.	12-Dec-2022	FILED: Appendix - Transcript of 08/28/2020 Status Conference (Appellant Pro Per)
17.	12-Dec-2022	FILED: Appendix - Transcript of 06/11/2021 Telephonic Trial Setting Conference (Appellant Pro Per)
18.	12-Dec-2022	FILED: Appendix - Transcript of 08/25/2017 Oral Argument (Appellant Pro Per)
19.	12-Dec-2022	FILED: Appendix - Transcript of 10/22/2021 Final Trial Management Conference (Appellant Pro Per)
20.	12-Dec-2022	FILED: Appendix - Transcript of 11/02/2021 Status Conference (Appellant Pro Per)
21.	12-Dec-2022	FILED: Appendix - Transcript of 03/08/2018 Telephonic Status Conference & (Untitled) Email Copies (Appellant Pro Per)
22.	12-Dec-2022	FILED: Appendix - Transcript of 08/15/2018 & (Untitled) Documents (Appellant Pro Per)
23.	19-Dec-2022	ORDERED: Emergency Writ Order Prohibited Passive be Removed by Vision Management Due to Neglme [sic] Dated Incorrectly Set Backs (Appellant Pro Per) = DENIED. FURTHER ORDERED: Request to Participate in Pro Bono Program = DENIED. FURTHER ORDERED: Rule 73 Violation AND Special Action Expediated [sic] Review Felony in Progress Rule 60 = DENIED. FURTHER ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 01/30/2023. Signed order re: minute entry of 09/07/2022 filed 09/08/2022, ruling on motion to set aside a judgment, and minute entry order dated 10/25/2022, and filed 10/26/2022, ruling on request for new trial and motion to set aside due within 10 days after its entry. If appeal reinstated by filing of signed order, opening brief due 03/01/2023. Kent E Cattani - Author
24.	19-Dec-2022	FILED: Case Management Statement Amended 12/19/2022 (2nd) (Appellant Pro Per)
25.	13-Jan-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (CV2017-052655)
26.	24-Jan-2023	FILED: Request to Participate in Pro Bono Program (Appellant Pro Per)
27.	24-Jan-2023	FILED: Motion to Continue Stay of this Appeal Pending Motions Filed in New Judge Chambers (Appellant Pro Per)
28.	24-Jan-2023	FILED: Supplement Case with Proof of 2016-095220 Docket (Appellant Pro Per)
29.	24-Jan-2023	FILED: (Untitled) Amended Case Management Statement (3rd) (Appellant Pro Per)

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30.	30-Jan-2023	ORDERED: Request to Participate in Pro Bono Program (Appellant Pro Per) = DENIED. FURTHER ORDERED: Taking no action on the Supplement Case with Proof of 2016-005220 Docket. FURTHER ORDERED: Granting the motion to continue the stay in part and continuing the stay of this appeal until 02/27/2023, to allow the superior court to consider a motion for a signed order corresponding to the 09/08/2022 ruling on the 06/22/2022 motion to set aside. It is appellant's responsibility to file the motion in the superior court. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the ruling within 10 days after its entry, marked for filing in this appeal. The stay will be lifted automatically when this court receives the signed order. FURTHER ORDERED: The stay will be lifted automatically on 02/27/2023, unless before that date appellant files a motion to continue the stay. If appellant does not file a motion to continue the stay and the superior court has not entered a signed order, this court may dismiss this appeal. FURTHER ORDERED: If this court has received a signed order before 02/27/2023, the opening brief is due on 03/29/2023. Melina Brill ProTem Judge - Author
31.	7-Feb-2023	FILED: Case Management Statement (Amended) (4th)(Appellant Pro Per)
32.	16-Feb-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (CV2017-052655)
33.	16-Feb-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (LC2018-000464-001)
34.	21-Feb-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (LC2018-000464-001)
35.	21-Feb-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (CV2017-052655)
36.	22-Feb-2023	FILED: Notice of Filing a Stay in Court of Appeals (Appellant Pro Per)
37.	23-Feb-2023	FILED: e-Record on Appeal: (CV2016-095220) Instruments/Minute Entries Exhibits: None
38.	24-Feb-2023	FILED: Case Management Statement (5th) (Appellant Pro Per)
39.	28-Feb-2023	ORDERED: Notice of Filing a Stay in Court of Appeals (Appellant Pro Per) = DENIED. FURTHER ORDERED: Continuing the stay of this appeal until 03/29/2023, to allow the superior court to consider a motion for a signed order corresponding to the 09/08/2022 ruling on the 06/22/2022 motion to set aside judgment. It is appellant's responsibility to file the motion in the superior court. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the ruling within 10 days after its entry, marked for filing in this appeal. The stay will be lifted automatically when this court receives the signed order. FURTHER ORDERED: The stay will be lifted automatically on 03/29/2023, unless before that date appellant files a motion to continue the stay. If appellant does not file a motion to continue the stay and the superior court has not entered a signed order, this court may dismiss this appeal. FURTHER ORDERED: If this court has received a signed order before 03/29/2023, the opening brief is due on 04/28/2023. Melina Brill ProTem Judge - Author
40.	13-Mar-2023	FILED: Notification to Court of Appeals Judge Refuses to Sign Motions Set to Set Aside Fraudulent Obtained Judgement [sic] (Appellant Pro Per)
41.	13-Mar-2023	FILED: Request to Participate in Pro Bono Program (Appellant Pro Per)
42.	20-Mar-2023	FILED: In Accordance with the Court's directive 3/10/2023 trial court entered signed order (Appellant Pro Per)
43.	21-Mar-2023	ORDERED: Request to Participate in Pro Bono Program (Appellant Pro Per) = DENIED. FURTHER ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: The opening brief is due on 04/28/2023. Melina Brill ProTem Judge - Author
44.	23-Mar-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (CV2017-052655)
45.	23-Mar-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (LC2018-000464-001)
46.	27-Mar-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (CV2016-095220)
47.	3-Apr-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
48.	4-Apr-2023	FILED: Case Management Statement (6th) (Appellant Pro Per)
49.	4-Apr-2023	FILED: Motion to Stay Pending Motions (Appellant Pro Per)
50.	7-Apr-2023	FILED: Case Management Statement (7th) (Appellant Pro Per)
51.	11-Apr-2023	ORDERED: Motion to Stay Pending Motions Filed in Superior Court March 30 2023 Writ of Mandamus Fraud Upon Court (Appellant Pro Per) = DENIED. Melina Brill ProTem Judge - Author
52.	14-Apr-2023	FILED: Notice of Appearance; Certificate of Service (Appellee Bell West Ranch)
53.	14-Apr-2023	FILED: Notice of Appearance; Advisory; Certificate of Service (Appellee Mrockowska)

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54.	17-Apr-2023	FILED: Appellee Bell West Ranch Homeowner's Association, Inc.'s Motion to Dismiss for Lack of Jurisdiction; Certificate of Service (Appellee)
55.	17-Apr-2023	FILED: Request for Oral Argument (Appellant Pro Per)
56.	17-Apr-2023	FILED: Case Management Statement (8th) (Appellant Pro Per)
57.	18-Apr-2023	ORDERED: Vacating the 04/28/2023 due date for the opening brief. The order ruling on the pending motion will set a due date to file the opening brief, if the motion is denied. Melina Brill ProTem Judge - Author
58.	19-Apr-2023	FILED: Opposition to Motion to Dismiss Appeal (Appellant Pro Per)
59.	20-Apr-2023	RECEIPT No.: 2023-00371 ; \$140.00, Authorization: #10006250971, Applied to: BELL WEST RANCH HOMEOWNERS ASSOCIATION INC. - Class B Filing Fee (\$140.00) Paid for: Jennings Haug Keleher McLeod LLP - By nCourt LLC
60.	20-Apr-2023	RECEIPT No.: 2023-00372 ; \$140.00, Authorization: #10006250971, Applied to: GRAZYNA MROCKOWSKA, et al. - Class B Filing Fee (\$140.00) Paid for: Brockway Law Office PC - By nCourt LLC
61.	26-Apr-2023	FILED: Appellee Bell West Ranch Homeowner's Association, Inc.'s Reply in Support Of Motion to Dismiss for Lack of Jurisdiction; Certificate of Service (Appellee Bell West)
62.	28-Apr-2023	ORDERED: Appellee Bell West Ranch Homeowner's Association, Inc.'s Motion to Dismiss for Lack of Jurisdiction (Appellee) = DENIED. FURTHER ORDERED: The opening brief is due on 05/30/2023. Hon Kent E Cattani - Author
63.	5-May-2023	FILED: Case Management Statement (9th) (Appellant Pro Per)
64.	22-May-2023	FILED: Case Management Statement (10th) (Appellant Pro Per)
65.	25-May-2023	FILED: (Untitled) Opening Brief (Appellant Pro Per)
66.	30-Jun-2023	FILED: Notice of Filing of Transcript (Reporter's Transcript - 10/22/2021 - Final Trial Management Conference (Coleen Rand)); Certificate of Service (Appellee Bell West)
67.	30-Jun-2023	FILED: Notice of Filing of Transcript (Reporter's Transcript - 11/02/2021 - Status Conference (Coleen Rand)); Certificate of Service (Appellee Bell West)
68.	5-Jul-2023	FILED: Joint Answering Brief of Appellee Bell West Ranch Homeowner's Association, Inc. and Appellees Mrockowska; Certificate of Compliance; Certificate of Service (Appellees Bell West and Mrockowska)
69.	18-Aug-2023	ORDERED: Request for Oral Argument (Appellant Pro Per) = DENIED. Hon David B Gass - Author
70.	26-Aug-2023	CLNDR: CONFERENCE, Department B, 10-17-23, CONFERENCE ROOM.
71.	29-Aug-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
72.	8-Sep-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
73.	12-Sep-2023	FILED: Memorandum: Judge Cattani for Judge Jacobs (Chief Judge Gass)
74.	20-Sep-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
75.	20-Sep-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
76.	13-Oct-2023	FILED: Memorandum moving conference to 11/7/23 (Judge Brown)
77.	4-Jan-2024	MEMORANDUM DECISION (Affirmed) Hon Michael J Brown - Author; Hon Samuel A Thumma - Concur; Hon Kent E Cattani - Concur
78.	4-Jan-2024	FILED: Decision Distribution Notification
79.	9-Jan-2024	FILED: Motion for Immediate Reconsideration (Appellant Pro Per)
80.	12-Jan-2024	FILED: Motion for Reconsideration Additional Discovery Request for Trial Denova (Appellant Pro Per)
81.	12-Jan-2024	FILED: FOIA Request for Reconsideration and FOIA Request for Records (Appellant Pro Per)
82.	16-Jan-2024	FILED: Motion for Reconsideration Discovery-Violation ADA Violation (Appellant Pro Per)
83.	18-Jan-2024	FILED: Request Reconsideration Complex Case Additional Discovery to Approve Unforeseen[sic] Injury Continuance (Appellant Pro Per)

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88 PROCEEDING ENTRIES

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| 84. | 22-Jan-2024 | FILED: Review of Opinion Request for Reconsideration Case be Reassigned to Maricopa County Attorney D[sic] aGrand[sic] Jury Indictment (Appellant Pro Per) |
| 85. | 29-Jan-2024 | ORDERED: Motion for Immediate Reconsideration (Appellant Pro Per) = DENIED. FURTHER ORDERED: Motion for Reconsideration Additional Discovery Request for Trial Denova/FOIA Request for Reconsideration and FOIA Request for Records/Motion for Reconsideration Discovery-Violation ADA Violation/Request Reconsideration Complex Case Additional Discovery to Approve Unforseen [sic] Injury Continuance/Review of Opinion Request for Reconsideration Case be Reassigned to Maricopa County Attorney D [sic] aGrand [sic] Jury Indictment = DENIED. Hon Michael J Brown - Author |
| 86. | 2-Feb-2024 | FILED: Email Notice from ASC re: Petition for Review filed 02/02/2024; request for partial record |
| 87. | 6-Feb-2024 | FILED: Letter forwarding partial record to Arizona Supreme Court |
| 88. | 9-Feb-2024 | FILED: Refund of Filing Fee Request for Filing Fee of 280.00 Paid by Appellant f [sic] be Reimbursed Income is Protected Under Social Security Insurance Reimbursedt [sic] (Appellant Pro Per) |
| 89. | 8-Mar-2024 | ORDERED: Refund of Filing Fee Request for Filing Fee of 280.00 Paid by Appellant f [sic] be Reimbursed Income is Protected Under Social Security Insurance Reimbursedt [sic] (Appellant Pro Per) = DENIED. Hon Michael J Brown - Author |