

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0743

TEMPE WOMAN'S v. LOREN, et al.

Appellate Case Information

Case Filed: 16-Dec-2022

Case Closed:

Dept/Composition

Department D

Hon. David D Weinzweig
Hon. Michael S Catlett
Hon. Maria Elena Cruz

Side 1. TEMPE WOMAN'S CLUB, an Arizona non-profit corporation,, Plaintiff/Appellant/Cross-Appellee

(Litigant Group) TEMPE WOMAN'S CLUB

- Tempe Woman's Club

Co-Counsel: Plaintiff/Appellant/Cross-Appellee

David L Abney, Esq. (AZ Bar No. 9001)

Robert J Moon, Esq. (AZ Bar No. 19909)

Side 2. TEMPE CLUB HOUSE, LLC, an Arizona limited liability company, Defendant/Appellee/Cross-Appellant

(Litigant Group) TEMPE CLUB HOUSE LLC

- Tempe Club House LLC

Attys: Def/Appellee/XAppellant

Christy Chism Brown, Esq. (AZ Bar No. 17968)

Side 3. JODY LOREN and JOHN DOE LOREN, husband and wife; CATHY PIPPEN and JOHN DOE PIPPEN, husband and wife; FREDERICK TAYLOR and JANE DOE TAYLOR, husband and wife, Defendant/Appellee/Cross-Appellant

(Litigant Group) LOREN / PIPPEN / TAYLOR

- Jody Loren PRO SE
- Cathy Pippen PRO SE
- Frederick F Taylor PRO SE
AZ Bar No. 9572
[Current Member]
Admitted 5/12/84

CASE STATUS

Mar 13, 2024....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2019-090426	Fraud		Rodrick J Coffey, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-24-0053-PR

CASE DECISION

23-Jan-2024 **MEMORANDUM DECISION**

Maria Cruz.....Author
David Weinzweig.....Concur
Michael Catlett.....Concur

Filed: 23-Jan-2024

Mandate:

Decision Disposition

Reversed in Part
Remanded in Part
Affirmed in Part

61 PROCEEDING ENTRIES

- 16-Dec-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/19/22
- 16-Dec-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: None sent with e-Record
- 16-Dec-2022 FILED: Additional Record on Appeal:
Physical Exhibits: Hearing Date 02/24/2020 - List # 1 2 3 5 6 9 11 13 18 19 20 21 23 27 36 37 40 41 43 45 47 48 50 52 53 54 55
56 in Manila Envelope; Hearing Date 02/22/2022 - List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 22 23 24 25 26 27 28
29 30 31 33 34 35 40 41 43 45 46 50 51 52 53 54 56 57 58 61 62 65 66 68 72 74 75 76 77 78 79 80 81 82 84 88 91 92 93 94 95
97 98 100 101 103 104 105 106 108 110 111 112 113 114 117 118 119 in a box

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4.	19-Dec-2022	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5.	28-Dec-2022	FILED: Appellees' Motion to Suspend Appeal Until Final Order Issued in Superior Court; Certificate of Service (Appellee Tempe Clubhouse)
6.	30-Dec-2022	FILED: Appellee's Revised Motion to Suspend Appeal Until Final Order Issued in Superior Court; Certificate of Service (Appellee Tempe Clubhouse)
7.	3-Jan-2023	FILED: Returned US Mail, Appellate Clerk Notice dated 12/19/2022, addressed to Jody Loren, Unable to Forward
8.	4-Jan-2023	RECEIPT No.: 2023-00009 ; \$140.00, Authorization: #04007148868, Applied to: TEMPE CLUB HOUSE LLC, et al. - Class B Filing Fee (\$140.00) Paid for: Law Office of Frederick Taylor PC - By nCourt LLC
9.	4-Jan-2023	FILED: Notice of Appearance of Attorney David L. Abney; Certificate of Service of Notice of Appearance of Attorney David L. Abney (Appellant)
10.	9-Jan-2023	RECEIPT No.: 2023-00028 ; \$280.00, Authorization: #09005298206, Applied to: TEMPE WOMAN'S CLUB - Class A Filing Fee (\$280.00) Paid for: Ahwatukee Legal Office PC - By nCourt LLC
11.	9-Jan-2023	FILED: Case Management Statement (Appellant)
12.	13-Jan-2023	ORDERED: Appellee's Revised Motion to Suspend Appeal Until Final Order Issued in Superior Court (Appellee) = GRANTED and staying appeal until 02/13/2023. Signed order re: minute entry orders filed 10/19/2022 and 11/01/2022 due within 10 days after its entry. If appeal reinstated by filing of signed order, opening brief due 03/15/2023. Melina Brill ProTem Judge - Author
13.	14-Feb-2023	FILED: Notice of Filing Signed Order Finalizing Post-Judgment Orders; Certificate [sic] of Service for Notice of Filing Signed Order Finalizing Post-Judgment Orders (Appellant)
14.	17-Feb-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes order re: pending matters)
15.	18-Feb-2023	FILED: Motion for Oral Argument; Certificate of Service for Motion for Oral Argument (Appellant)
16.	21-Feb-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
17.	23-Feb-2023	FILED: Appellee's Response to Appellant's Request for Oral Argument; Certificate of Service Appellee's Response to Appellant's Request for Oral Argument (Appellee)
18.	1-Mar-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Cross-Appeal filed 2/16/2023)
19.	3-Mar-2023	ORDERED: Amending the caption and docket in this appeal by adding the cross-appeal and the designations of "cross-appellants" and "cross-appellee" in addition to the third-party plaintiffs and defendants. FURTHER ORDERED: Appellees/cross-appellants' additional \$140.00 filing fee, payable to the clerk of this court, is due on 03/13/2023. FURTHER ORDERED: The cross-appeal case management statement is due on 03/13/2023. Melina Brill ProTem Judge - Author
20.	10-Mar-2023	FILED: Appellees' Notice of Paying Additional Filing Fee; Certificate of Service Appellees' Notice of Paying Additional Filing Fee (Appellee/Cross-Appellant)
21.	12-Mar-2023	FILED: Reply in Support of Motion for Oral Argument; Certificate of Service for Reply in Support of Motion for Oral Argument (Appellant)
22.	13-Mar-2023	FILED: Appellees' Case Management Statement; Supplement to Section E. Contact Information (1.) (Appellee/Cross-Appellant)
23.	14-Mar-2023	FILED: Opening Brief; Certificate of Compliance for Opening Brief; Certificate of Service for Opening Brief (Appellant/Cross-Appellee)
24.	16-Mar-2023	RECEIPT No.: 2023-00270 ; \$140.00, Authorization: #75010674484, Applied to: TEMPE CLUB HOUSE LLC, et al. - Class A Upgrade Fee (A-B) (\$140.00) Paid for: Cathy Pippen - By nCourt LLC
25.	23-Apr-2023	FILED: Answering Brief of Defendants/Appellees and Opening Cross-Appeal Brief of Defendants/Third Party Plaintiffs/Cross-Appellants; Appellees/Cross Appellants' Certificate of Compliance for Combined Brief; Certificate of Service Appellees/Cross-Appeal Appellants' Answering Brief and Opening Brief (Appellee/Cross-Appellant)
26.	2-Jun-2023	FILED: Reply and Cross-Answering Brief of Tempe Woman's Club; Certificate of Compliance for Reply and Cross-Answering Brief; Certificate of Service for Reply and Cross-Answering Brief (Appellant/Cross-Appellee)
27.	19-Jun-2023	FILED: Cross-Appeal Reply Brief of Defendants/Third Party Plaintiffs/Cross-Appellants; Cross-Appellants' Certificate of Compliance for Reply Brief; Certificate of Service of Cross-Appellants' Reply Brief (Appellee/Cross-Appellant)
28.	30-Jun-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
29.	10-Jul-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record

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30.	17-Jul-2023	ORDERED: Motion for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author
31.	26-Jul-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 9-13-23, 10:15 am, COURTROOM 2.
32.	27-Jul-2023	RECEIPT No.: 2023-00693 ; \$280.00, Authorization: 04007148868, Applied to: LOREN / PIPPEN / TAYLOR - Class A Filing Fee (\$280.00) Paid for: Law Office of Frederick Taylor PC - By nCourt LLC (Memo: X-Ref 2023-00009)
33.	27-Jul-2023	RECEIPT No.: 2023-00694 ; \$140.00, Authorization: 75010674484, Applied to: LOREN / PIPPEN / TAYLOR - Class B Filing Fee (\$140.00) Paid for: CATHY PIPPEN - By nCourt LLC (Memo: x-ref 2023-00270)
34.	27-Jul-2023	RECEIPT No.: 2023-00695 ; \$140.00, Authorization: 04007148868, Applied to: LOREN / PIPPEN / TAYLOR - Class A Upgrade Fee (A-B) (\$140.00) Paid for: Law Office of Frederick Taylor PC - By nCourt LLC (Memo: x-ref 2023-00693)
35.	27-Jul-2023	VOID RECEIPT No.: 2023-00009 - \$-140.00, Authorization: #04007148868, - Applied to: TEMPE CLUB HOUSE LLC, et al. - Class B Filing Fee (\$-140.00) Paid for: Law Office of Frederick Taylor PC - By: nCourt LLC VOID Reason: X-Ref: 2023-00695. incorrect litigant group. ala
36.	27-Jul-2023	VOID RECEIPT No.: 2023-00270 - \$-140.00, Authorization: #75010674484, - Applied to: TEMPE CLUB HOUSE LLC, et al. - Class A Upgrade Fee (A-B) (\$-140.00) Paid for: Cathy Phippen - By: nCourt LLC VOID Reason: X-Ref: 2023-00694. incorrect litigant group. ala
37.	27-Jul-2023	VOID RECEIPT No.: 2023-00693 - \$-280.00, Authorization: 04007148868, - Applied to: LOREN / PIPPEN / TAYLOR - Class A Filing Fee (\$-280.00) Paid for: Law Office of Frederick Taylor PC - By: nCourt LLC (Memo: X-Ref 2023-00009) VOID Reason: X-Ref: 2023-00695. incorrect payment amount. ala
38.	28-Jul-2023	FILED: Notice of Oral Argument
39.	2-Aug-2023	FILED: Return Receipt for Notice of Oral Argument, signed by David Abney on 07/28/2023 (Appellant/Cross-Appellee)
40.	10-Aug-2023	ORDERED: Directing parties to file authorized transcripts of the 02/22-24 and 28/2022 bench trial by 10/06/2023. FURTHER ORDERED: If authorized transcripts cannot be filed by 10/06/2023, parties shall file a joint status report on 10/06/2023 that includes a date by which the parties anticipate the transcripts will be completed and filed. FURTHER ORDERED: Vacating oral argument currently set for 09/13/2023 at 10:15 a.m. Court may set a new date and time for oral argument following receipt of the trial transcripts. Hon David D Weinzwieg - Author
41.	11-Aug-2023	FILED: Tempe Woman's Club's Notice of Ordering Trial Transcripts; Certificate Of Service For Tempe Woman's Club's Notice Of Ordering Trial Transcripts (Appellant/Cross-Appellee)
42.	26-Sep-2023	FILED: Reporter's Transcript - 02/22/2022 - Bench Trial (Michele Kaley) (Appellant/Cross-Appellee)
43.	26-Sep-2023	FILED: Reporter's Transcript - 02/23/2022 - Bench Trial (Michele Kaley) (Appellant/Cross-Appellee)
44.	26-Sep-2023	FILED: Reporter's Transcript - 02/24/2022 - Bench Trial (Michele Kaley) (Appellant/Cross-Appellee)
45.	26-Sep-2023	FILED: Reporter's Transcript - 02/28/2022 - Bench Trial (Michele Kaley) (Appellant/Cross-Appellee)
46.	26-Sep-2023	FILED: Tempe Woman's Club's Notice of Filing Trial Transcripts; Certificate of Service for Tempe Woman's Club's Notice of Filing Trial Transcripts (Appellant/Cross-Appellee)
47.	28-Sep-2023	ORDERED: Scheduling oral argument for Wednesday, 11/08/2023 at 9:30 a.m. before Department D, Courtroom #1. Hon David D Weinzwieg - Author
48.	8-Nov-2023	FILED: Return Receipt for Notice of Oral Argument, signed by David Abney on 11/08/2023 (Appellant/Cross-Appellee)
49.	8-Nov-2023	ORDERED: Scheduling oral argument for Wednesday, 11/29/2023 at 9:30 a.m. before Department D, Courtroom #1 (see order). Hon David D Weinzwieg - Author
50.	16-Nov-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Frederick Taylor on 11/08/2023; Certificate of Service of Appellees' Notice of Oral Argument Receipt (Appellee/Cross-Appellant)
51.	30-Nov-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 11/29/23
52.	2-Dec-2023	FILED: Tempe Woman's Club's Request for Judicial Notice and Notice Concerning Record on Appeal; Certificate of Service for Tempe Woman's Club's Request for Judicial Notice and Notice Concerning Record on Appeal (Appellant/Cross-Appellee)
53.	14-Dec-2023	FILED: Appellees/Cross-Appeal Appellants' Response to Tempe Woman's Club's Request for Judicial Notice and Notice Concerning Record on Appeal; Certificate of Service of Appellees/Cross-Appeal Appellants' Response to Tempe Woman's Club's Request for Judicial Notice and Notice Concerning Record on Appeal (Appellees/Cross-Appellants)
54.	23-Jan-2024	MEMORANDUM DECISION (Reversed in Part, Remanded in Part, Affirmed in Part) Hon Maria Elena Cruz - Author; Hon David D Weinzwieg - Concur; Hon Michael S Catlett - Concur

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55.	23-Jan-2024	FILED: Decision Distribution Notification
56.	25-Jan-2024	FILED: Tempe Woman's Club Itemized and Verified Statement of Costs on Appeal; Certificate of Service for Tempe Woman's Club Itemized and Verified Statement of Costs on Appeal (Appellant/Cross-Appellee)
57.	7-Feb-2024	FILED: Appellees' Motion for Reconsideration; Appellees' Certificate of Compliance for Motion for Reconsideration; Certificate of Service of Appellees' Motion for Reconsideration (Appellees/Cross-Appellants)
58.	27-Feb-2024	ORDERED: Appellees' Motion for Reconsideration (Appellees/Cross-Appellants) = DENIED. Hon Maria Elena Cruz - Author
59.	29-Feb-2024	ORDERED: Tempe Woman's Club Itemized and Verified Statement of Costs on Appeal (Appellant/Cross-Appellee) = GRANTED in the amount of \$8016.72. Hon Maria Elena Cruz - Author
60.	13-Mar-2024	FILED: Email Notice from ASC re: Petition for Review filed 03/13/2024; request for partial record
61.	18-Mar-2024	FILED: Letter forwarding partial record to Arizona Supreme Court