

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0143****GROWTH v. TENBAR, et al.****Appellate Case Information**

Case Filed: 17-Mar-2023

Case Closed: 27-Mar-2024

Decision**Dept/Composition****Department F**

Hon. Jennifer B Campbell

Hon. Anni Hill Foster

Hon. David B Gass

Side 1. GROWTH OPPORTUNITIES, INC., Plaintiff/Appellant**(Litigant Group) GROWTH OPPORTUNITIES, INC.**

- Growth Opportunities Inc

Attorneys for: Plaintiff/Appellant

Robert A Royal, Esq. (AZ Bar No. 10434)

Matthew Holt, Esq. (AZ Bar No. 38052)

Side 2. TENBAR, INC., et al., Defendant/Appellee**(Litigant Group) TENBAR, INC., et al.**

- Tenbar Inc
- William Barber
- Beverly Barber

Attorneys for: Defendant/Appellee

Jimmie W Pursell, Jr., Esq. (AZ Bar No. 19957)

Daniel J F Peabody, Esq. (AZ Bar No. 34638)

CASE STATUS

Mar 27, 2024....Case Closed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2019-014852	Negligent Misrepresentation		Dewain D Fox, Authoring Judge of Order		

CASE DECISION**08-Feb-2024 MEMORANDUM DECISION**

David Gass.....Author

Jennifer Campbell.....Concur

Anni Foster.....Concur

Filed: 08-Feb-2024

Mandate: 27-Mar-2024

Decision Disposition

Affirmed in Part**Vacated****Remanded in Part****34 PROCEEDING ENTRIES**

1. 17-Mar-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/17/23
2. 17-Mar-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 17-Mar-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 23-Mar-2023 RECEIPT No.: 2023-00287 ; \$280.00, Check Number: #124372, Applied to: GROWTH OPPORTUNITIES, INC. - Class A Filing Fee (\$280.00) Paid for: - By Tiffany & Bosco PA
5. 24-Mar-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
6. 28-Mar-2023 FILED: Appellee's Notice of Appearance and Payment of Filing Fee; Certificate of Service of Appellee's Notice of Appearance and Payment of Filing Fee (Appellee)
7. 3-Apr-2023 RECEIPT No.: 2023-00315 ; \$140.00, Authorization: #93014223453, Applied to: TENBAR, INC., et al. - Class B Filing Fee (\$140.00) Paid for: Jennings Strouss & Salmon PLC - By nCourt LLC
8. 4-Apr-2023 FILED: Case Management Statement Instructions (Case Management Statement) (Appellant)
9. 4-Apr-2023 FILED: Certification of Service (Appellant)
10. 10-Apr-2023 FILED: Motion to Include Oral Argument Transcript in Record on Appeal; Certificate Of Service Of Motion To Include Oral Argument Transcript In Record On Appeal (Appellee)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0143****GROWTH v. TENBAR, et al.****34 PROCEEDING ENTRIES**

11.	26-Apr-2023	ORDERED: Motion to Include Oral Argument Transcript in Record on Appeal (Appellee) = GRANTED and allowing appellees to supplement the record on appeal with the certified transcript of the 04/22/2022 proceeding. The certified transcript shall be filed with this court and served on appellant. Melina Brill ProTem Judge - Author
12.	27-Apr-2023	FILED: Notice of Designation of Additional Transcript; Certificate of Service of Notice of Designation of Additional Transcript (Appellee)
13.	27-Apr-2023	FILED: Reporter's Transcript - 04/22/2022 - Oral Argument (Kimberly McCright) (Appellee)
14.	16-May-2023	FILED: Opening Brief; Certificate of Compliance; Opening Brief (Certificate of Service) (Appellant)
15.	16-May-2023	FILED: Certificate of Compliance (Duplicate); Opening Brief (Duplicate) (Appellant)
16.	16-May-2023	FILED: Opening Brief (Duplicate) (Appellant)
17.	16-May-2023	FILED: Certificate of Service (Appellant)
18.	26-Jun-2023	FILED: Answering Brief; Certificate of Compliance of Answering Brief; Certificate of Service of Answering Brief (Appellee)
19.	10-Jul-2023	FILED: Appellant Growth Opportunities, Inc.'s Motion for Procedural Order (Extension to File Reply Brief); Certificate of Service of Appellant Growth Opportunities, Inc.'s Motion for Procedural Order (Extension to File Reply Brief) (Appellant)
20.	10-Jul-2023	FILED: Certificate of Service of Appellant Growth Opportunities, Inc.'s Motion for Procedural Order (Extension to File Reply Brief) (Duplicate) (Appellant)
21.	10-Jul-2023	ORDERED: Appellant Growth Opportunities, Inc.'s Motion for Procedural Order (Extension to File Reply Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-17-2023 to Thursday, 07-27-2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Barbara Vidal Vaught ProTem Judge - Author
22.	27-Jul-2023	FILED: Reply Brief; Certificate of Compliance of Reply Brief; Certificate of Service (Appellant)
23.	31-Jul-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
24.	4-Aug-2023	FILED: Request for Oral Argument; Certificate of Service for Request for Oral Argument (Appellee)
25.	9-Aug-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
26.	18-Aug-2023	ORDERED: Request for Oral Argument (Appellee) = GRANTED. Hon David B Gass - Author
27.	27-Sep-2023	FILED: Notice of Oral Argument
28.	2-Oct-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department F, 11-16-23, 10:15 am, COURTROOM 1.
29.	18-Oct-2023	FILED: Memorandum: Judge Gass for Judge Cattani (Chief Judge Gass)
30.	30-Oct-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Robert Royal on 09/27/2023 (Appellant)
31.	16-Nov-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 11/16/23
32.	8-Feb-2024	MEMORANDUM DECISION (Affirmed in Part, Vacated, Remanded in Part) Hon David B Gass - Author; Hon Jennifer B Campbell - Concur; Hon Anni Hill Foster - Concur
33.	8-Feb-2024	FILED: Decision Distribution Notification
34.	27-Mar-2024	FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.