

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 23-0351**

**GROVES v. LAYTON et al.**

**Appellate Case Information**

Case Filed: 16-Jun-2023

Case Closed: 10-Jul-2023

Reinstated x 1: 10-Jul-2023 Abandoned

Re-Closed:

**Dept/Composition**

**Department E**

Hon. Anni Hill Foster  
Hon. Brian Y Furuya  
Hon. Randall M Howe

**Side 1. GROVES PROPERTIES, LP, Plaintiff/Appellant**

(Litigant Group) GROVES PROPERTIES, LP

- Groves Properties LP

**Co-Counsel for: Plaintiff/Appellant**

Aaron C Huber, Esq. (AZ Bar No. 26273)  
Bryan W Barney, Esq. (AZ Bar No. 27270)  
Lynn M Allen, Esq. (AZ Bar No. 12612)  
Leah M McKeever, Esq. (AZ Bar No. 34235)  
Leslie K Harrach, Esq. (AZ Bar No. 23560)

**Side 2. LAYTON CONSTRUCTION COMPANY, LLC, et al., Defendant/Appellee**

(Litigant Group) LAYTON CONSTRUCTION COMPANY, et al.

- Layton Construction Company LLC
- Arizona Fastners Corporation

**Attorneys for: Defendants/Appellees**

Jodi L Mullis, Esq. (AZ Bar No. 24044)

**CASE STATUS**

May 9, 2024.....Pending in ASC

Jul 10, 2023.....Reinstated Case

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2022-050078	Breach of Contract		Melissa Iyer Julian, Authoring Judge of Order		

**DESCENDENT CASE(S)**

ASC CV-24-0103-PR

**OPEN DUE DATE**

**Petition for Review to ASC due**

**Due By:**

Tuesday, June 4, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Anni Hill Foster - Concur; Hon Brian Y Furuya - Concur

[1 extension]

**2 PENDING MATTERS**

**General Motion**

Filed: 23-Apr-2024

\* Defendants Layton Construction Company, LLC and Arizona Fasteners' Verified Statement of Attorneys' Fees and COSTS (Appellees)

Defendants Layton Construction Company, Llc and Arizona Fasteners' Amended Verified Statement of Attorneys' Fees and COSTS

**General Motion**

Filed: 23-Apr-2024

\* Defendants Layton Construction Company, LLC and Arizona Fasteners' Verified Statement of ATTORNEYS' FEES and Costs (Appellees)

Defendants Layton Construction Company, Llc and Arizona Fasteners' Amended Verified Statement of ATTORNEYS' FEES and Costs

**CASE DECISION**

**09-Apr-2024 MEMORANDUM DECISION**

Randall Howe.....Author

Anni Foster.....Concur

Brian Furuya.....Concur

Filed: 09-Apr-2024

Mandate:

Decision Disposition

**Affirmed**

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0351****GROVES v. LAYTON et al.****46 PROCEEDING ENTRIES**

1.	16-Jun-2023	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/19/23
2.	16-Jun-2023	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3.	19-Jun-2023	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4.	7-Jul-2023	FILED: Notice of Appearance; Certificate of Service of Notice of Appearance (Appellant)
5.	7-Jul-2023	FILED: Case Management Statement (Appellant)
6.	7-Jul-2023	FILED: Certificate of Service of Appellant's Case Management Statement (Appellant)
7.	7-Jul-2023	FILED: Plaintiff Groves Properties LP's Notice of Filing of Transcript; Certificate of Service Regarding Plaintiff Groves Properties LP's Notice of Filing of Transcript (Appellant)
8.	7-Jul-2023	FILED: Reporter's Transcript - 02/23/2023 - Oral Argument (Kimberly McCright) (Appellant)
9.	10-Jul-2023	FILED: Letter, 07/10/2023, to Clerk, Maricopa County Superior Court, Re: Pursuant to A.R.S. 12-322A appeal shall be deemed abandoned. No record to be returned.  [Withdrawn per order filed 07/10/2023]
10.	10-Jul-2023	ORDERED: Withdrawing the abandonment letter and reinstating this appeal. FURTHER ORDERED: The case management statement is due on 07/20/2023, and the opening brief is due on 08/18/2023. Barbara Vidal Vaught ProTem Judge - Author
11.	13-Jul-2023	RECEIPT No.: 2023-00627 ; \$280.00, Authorization: 94011477506, Applied to: GROVES PROPERITIES, LP - Class A Filing Fee (\$280.00) Paid for: Tyson & Mendes LLP - By nCourt LLC
12.	17-Jul-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
13.	18-Jul-2023	RECEIPT No.: 2023-00645 ; \$280.00, Check Number: VV3996, Applied to: GROVES PROPERITIES, LP - Class A Filing Fee (\$280.00) Paid for: Tyson & Mendes LLP - By Tyson & Mendes LLP
14.	15-Aug-2023	FILED: Stipulation for Extension of Time to File Opening Brief; Certificate of Service Re: Stipulation for Extension of Time to File Opening Brief (Appellant)
15.	16-Aug-2023	ORDERED: Stipulation for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 08-18-2023 to Friday, 09-08-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
16.	8-Sep-2023	FILED: Appellant's Opening Brief; Certificate of Compliance of Appellant's Opening Brief; Certificate of Service of Appellant's Opening Brief (Appellant)
17.	8-Sep-2023	FILED: Appellant's Opening Brief (Appendix) (Appellant)
18.	23-Oct-2023	FILED: Stipulation Regarding Amendments to Filing Dates; Defendants / Appellees' Certificate of Service of Stipulation Regarding Amendments to Filing Dates; Order to Amend Filing Dates (Appellee)
19.	24-Oct-2023	ORDERED: Stipulation Regarding Amendments to Filing Dates (Appellee) = DENIED. Melina Brill ProTem Judge - Author
20.	25-Oct-2023	FILED: Motion Regarding Amendments to Filing Dates; Defendant / Appellees' Certificate of Service of Motion Regarding Amendments to Filing Dates (Appellee)
21.	25-Oct-2023	FILED: Motion Withdrawing Motion Regarding Amendments to Filing Dates; Defendants / Appellees' Certificate of Service of Motion to Withdraw Motion Regarding Amendments to Filing Dates (Appellee)
22.	25-Oct-2023	FILED: Motion Regarding Amendments to Filing Dates; Defendants / Appellees' Certificate of Service of Motion Regarding Amendments to Filing Dates (Appellee)
23.	25-Oct-2023	RECEIPT No.: 2023-01006 ; \$280.00, Check Number: VV3996, Applied to: GROVES PROPERITIES, LP - Overpayment Class A (\$280.00) Paid for: Tyson & Mendes LLP - By Tyson & Mendes LLP (Memo: X Ref: 2023-00645 Overpayment. Refund needed.)
24.	25-Oct-2023	VOID RECEIPT No.: 2023-00645 - \$-280.00, Check Number: VV3996, - Applied to: GROVES PROPERITIES, LP - Class A Filing Fee (\$-280.00) Paid for: Tyson & Mendes LLP - By: Tyson & Mendes LLP VOID Reason: X-Ref: 2023-01006. Incorrect receivable type. ala
25.	25-Oct-2023	FILED: Defendants / Appellees' Notice of Payment of Filing Fee; Defendants / Appellees' Certificate of Service of Notice of Payment of Filing Fee (Appellee)

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26.	25-Oct-2023	ORDERED: Motion Regarding Amendments to Filing Dates (Appellee) = GRANTED. Due date (answering brief) EXTENDED from Wednesday, 10-18-2023 to Wednesday, 11-08-2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
27.	26-Oct-2023	ORDERED: Motion Withdrawing Motion Regarding Amendments to Filing Dates (Appellee) = GRANTED. FURTHER ORDERED: Affirming the 10/25/2023 order. The answering brief remains due by 11/08/2023. Melina Brill ProTem Judge - Author
28.	31-Oct-2023	RECEIPT No.: 2023-01023 ; \$140.00, Authorization: # 04010733152, Applied to: LAYTON CONSTRUCTION COMPANY, et al. - Class B Filing Fee (\$140.00) Paid for: Wood Smith Henning & Berman LLP - By nCourt, LLC
29.	7-Nov-2023	FILED: Appellees' Answering Brief; Certificate of Compliance for Appellees' Answering Brief; Certificate of Service of Appellees' Answering Brief (Appellee)
30.	7-Nov-2023	FILED: Appendix to Appellees' Answering Brief (Appellee)
31.	9-Nov-2023	FILED: Letter dated 11/09/2023 to Tyson & Mendes, LLC from Court re: enclosing check # 113558 in the amount of \$280.00 for refund of monies submitted in error
32.	21-Nov-2023	FILED: Motion for Procedural Order to Extend Deadline for Reply Brief; Certificate of Service of Appellant's Motion for Procedural Order to Extend Deadline for Reply Brief (Appellant)
33.	21-Nov-2023	ORDERED: Motion for Procedural Order to Extend Deadline for Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 11-27-2023 to Monday, 12-11-2023. 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
34.	11-Dec-2023	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
35.	29-Dec-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
36.	8-Jan-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
37.	26-Jan-2024	CLNDR: CONFERENCE, Department E, 3-21-24, CONFERENCE ROOM.
38.	9-Apr-2024	MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Anni Hill Foster - Concur; Hon Brian Y Furuya - Concu
39.	9-Apr-2024	FILED: Decision Distribution Notification
40.	23-Apr-2024	FILED: Defendants Layton Construction Company, LLC and Arizona Fasteners' Verified Statement of Attorneys' Fees and Costs; Defendants Layton Construction Company, LLC and Arizona Fasteners' Certificate of Service of Verified Statement of Attorneys' Fees and Costs on Appeal (Appellee)
41.	23-Apr-2024	FILED: Defendants Layton Construction Company, LLC and Arizona Fasteners' Amended Verified Statement of Attorneys' Fees and Costs; Defendants Layton Construction Company, LLC and Arizona Fasteners' Amended Certificate of Service of Verified Statement of Attorneys' Fees and Costs on Appeal (Appellees)
42.	7-May-2024	FILED: Appellants' Opposition to Appellee's Amended Verified Statement of Attorneys' Fees; Certificate of Service (Appellant)
43.	9-May-2024	FILED: Email Notice from ASC re: Petition for Review filed 05/09/2024; request for partial record
44.	13-May-2024	FILED: Letter forwarding partial record to Arizona Supreme Court
45.	16-May-2024	FILED: Defendants Layton Construction Company, LLC and Arizona Fasteners' Reply to Appellant's Opposition to the Verified Statement of Attorneys' Fees and Costs on Appeal; Defendants Layton Construction Company, LLC and Arizona Fasteners' Certificate of Service of its Reply to the Verified Statement of Attorneys' Fees and Costs on Appeal (Appellee)
46.	20-May-2024	FILED: ASC Order filed 05/20/2024 re: extending time for filing Petition for Review to 06/04/2024