

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

Apr 9, 2024.....Decision Rendered

Jul 10, 2023.....Reinstated Case

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2022-050078, Breach of Contract, Melissa Iyer Julian, Authoring Judge of Order.

3 OPEN DUE DATES

Response to Costs due Due By: Tuesday, May 7, 2024

Re: \*

Response to Attorneys Fees due Due By: Tuesday, May 7, 2024

Re: \*

Petition for Review to ASC due Due By: Thursday, May 9, 2024

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

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.****41 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:<br>Instruments/Minute Entries<br>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.<br><br>[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)