

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0361

HARVEY v. BORBON, et al.

Appellate Case Information

Case Filed: 21-Jun-2023

Case Closed:

Dept/Composition

Department F

Hon. Daniel J Kiley
Hon. Kent E Cattani
Hon. D Steven Williams

Side 1. T. L. HARVEY, Plaintiff/Appellant

(Litigant Group) T. L. HARVEY

• T L Harvey

PRO SE

Side 2. SUSANA BORBON MONTIEL, et al., Defendant/Appellee

(Litigant Group) SUSANA BORBON MONTIEL, et al.

• Susana Borbon Montiel

• Kelvin Eduardo Burri Campana

Attorneys for: Defendant/Appellee

Sanford K Gerber, Esq. (AZ Bar No. 16506)

Elizabeth B N Garcia, Esq. (AZ Bar No. 32209)

CASE STATUS

Feb 26, 2024....Assigned

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2021-090440	Non Death Personal Injury		Patricia A Trebesch, Authoring Judge of Order		

CALENDAR

Thursday MONTHLY COURT CASE CALENDAR

CV Cases

11-Apr-2024 Department F; COURTROOM 1

34 PROCEEDING ENTRIES

1.	21-Jun-2023	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/23/23
2.	21-Jun-2023	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3.	21-Jun-2023	FILED: Additional Record on Appeal: Physical Exhibits: Hearing Date 04/17/2023 - List # 10 11 12 15 95 96 97 in Manila Envelope; USB Drive in white envelope
4.	21-Jun-2023	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5.	6-Jul-2023	FILED: Appellant's Motion for Procedural Order (Extension of Time to File) (Appellant Pro Per)
6.	7-Jul-2023	ORDERED: Appellant's Motion for Procedural Order (Extension of Time to File) (Appellant Pro Per) = GRANTED. Due date EXTENDED from Tuesday, 07-11-2023 to Friday, 08-11-2023. If the case management statement is not timely filed, the court will consider imposing sanctions, which may include dismissing this appeal. FURTHER ORDERED: Denying appellant's request that this court compel the superior court commissioner to "make the trial recordings available in a timely fashion." The opening brief remains due on 08/21/2023. Barbara Vidal Vaught ProTem Judge - Author
7.	10-Jul-2023	FILED: Case Management Statement (Appellant Pro Per)
8.	11-Jul-2023	RECEIPT No.: 2023-00616 ; \$280.00, Authorization: # 92012104708, Applied to: T. L. HARVEY - Class A Filing Fee (\$280.00) Paid for: T. L. HARVEY - By nCourt, LLC
9.	17-Jul-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
10.	17-Jul-2023	ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 08/17/2023. Signed order re: minute entry of 06/15/2023 filed 06/16/2023 due within 10 days after its entry. If appeal reinstated by filing of signed order, opening brief due 09/18/2023. Melina Brill ProTem Judge - Author
11.	31-Jul-2023	FILED: Notice of Appearance and Substitution of Counsel; Certificate of Service (Appellee)
12.	31-Jul-2023	FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0361****HARVEY v. BORBON, et al.****34 PROCEEDING ENTRIES**

13.	4-Aug-2023	RECEIPT No.: 2023-00719 ; \$140.00, Authorization: #16003688085, Applied to: SUSANA BORBON MONTIEL, et al. - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By nCourt LLC
14.	11-Aug-2023	FILED: Appellant's Memorandum (Opening Brief) (Appellant Pro Per)
15.	25-Aug-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
16.	18-Sep-2023	FILED: Appellant's Brief (Amended Opening Brief) (Appellant Pro Per)
17.	20-Sep-2023	ORDERED: Striking opening brief filed on 09/18/2023. Melina Brill ProTem Judge - Author [vacated per order filed 10/18/2023]
18.	25-Sep-2023	FILED: Appellees' Answering Brief; Certificate of Compliance; Certificate of Service (Appellee) [stricken per order filed 11/14/2023]
19.	27-Sep-2023	FILED: Appellant's "[sic] Motion for Appeals Court to Make Correction of "Order Striking Second Opening Brief" (Appellant Pro Per)
20.	11-Oct-2023	FILED: Appellant's Reply to "Appellees' Answering Brief" (Reply Brief) (Appellant Pro Per) [stricken per order filed 11/14/2023]
21.	18-Oct-2023	ORDERED: Appellant's "[sic] Motion for Appeals Court to Make Correction of "Order Striking Second Opening Brief" (Appellant Pro Per) = GRANTED and vacating the 09/20/2023 "Order Striking Second Opening Brief." The 09/18/2023 brief will be considered the opening brief in this appeal. Melina Brill ProTem Judge - Author
22.	26-Oct-2023	FILED: Appellees' Motion for Amended Scheduling Order to Allow Supplemental Filing Addressing the Opening Brief Reinstated After the Close of Briefing; Certificate of Service (Appellee)
23.	30-Oct-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
24.	9-Nov-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
25.	14-Nov-2023	ORDERED: Appellees' Motion for Amended Scheduling Order to Allow Supplemental Filing Addressing the Opening Brief Reinstated After the Close of Briefing (Appellee) = GRANTED. FURTHER ORDERED: Striking the answering brief filed 09/25/2023. FURTHER ORDERED: Striking the reply brief filed 10/11/2023. FURTHER ORDERED: Appellees' answering brief is due on 12/15/2023. FURTHER ORDERED: Appellant's reply brief is due within 20 days after service of the answering brief. FURTHER ORDERED: Directing appellant to serve appellees with all documents appellant subsequently files in this appeal and to file an accurate certificate of service. If appellant fails to comply with this order, the court will consider imposing sanctions, including dismissing this appeal. Melina Brill ProTem Judge - Author
26.	27-Nov-2023	FILED: Appellant's Motion in Opposition of Court's "Order" (Appellant Pro Per)
27.	28-Nov-2023	ORDERED: Appellant's Motion in Opposition of Court's "Order" (Appellant Pro Per) = Affirming the order (order re: briefing and service filed 11/14/2023). Hon David B Gass - Author
28.	15-Dec-2023	FILED: Appellees' Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
29.	29-Dec-2023	FILED: Appellant's Reply to Defendants' Answer Brief (Reply Brief) (Appellant Pro Per)
30.	2-Jan-2024	ORDERED: Appellant must file the certificate of compliance by 01/16/2024. If the certificate is not timely filed, the court may impose sanctions, including striking the reply brief. Melina Brill ProTem Judge - Author
31.	8-Jan-2024	FILED: Letter, 01/03/2024, from Appellant Pro Per to COA1 re: Certificate of Compliance (Certificate of Compliance) (Appellant Pro Per)
32.	30-Jan-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
33.	9-Feb-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
34.	26-Feb-2024	CLNDR: CONFERENCE, Department F, 4-11-24, COURTROOM 1.