

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0471

R & A SMART v. FRANK

Appellate Case Information

Case Filed: 1-Aug-2023

Case Closed: 2-May-2024

Decision

Dept/Composition

Department E

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

Side 1. R & A SMART INVESTMENTS, LLC, Plaintiff/Appellee

(Litigant Group) R & A SMART INVESTMENTS, LLC

- R & A Smart Investments LLC

Attorneys for: Plaintiff/Appellee

Scott E Williams, Esq. (AZ Bar No. 12417)

Amy Toppel, Esq. (AZ Bar No. 22106)

Side 2. DAVID GODWIN FRANK, Defendant/Appellant

(Litigant Group) DAVID GODWIN FRANK

- David Godwin Frank

PRO SE

CASE STATUS

May 2, 2024.....Case Closed

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---------------------|--------------------|-------------------|---|-------|-------|
| MAR CV2023-008344 | Eviction Actions | | Richard F Albrecht, Authoring Judge of Order | | |

CASE DECISION

26-Mar-2024 MEMORANDUM DECISION

Anni Foster.....Author

Brian Furuya.....Concur

Randall Howe.....Concur

Filed: 26-Mar-2024

Mandate: 02-May-2024

Decision Disposition

Affirmed

25 PROCEEDING ENTRIES

- 1-Aug-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/03/23
- 1-Aug-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: Hearing Date 7/3/23 1, 2, 3, 4
- 2-Aug-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 15-Aug-2023 FILED: Plaintiffs "Affidavit of Service on Quiet Title Action" (Appellant Pro Per)
- 18-Aug-2023 RECEIPT No.: 2023-00785 ; \$280.00, Authorization: #30009265930, Applied to: DAVID GODWIN FRANK - Class A Filing Fee (\$280.00) Paid for: DAVID GODWIN FRANK - By nCourt LLC
- 25-Aug-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
- 28-Aug-2023 FILED: Notice of Payment of Appellee's Filing Fee; Certificate of Service Re: Notice of Payment of Appellee's Filing Fee (Appellee)
- 1-Sep-2023 RECEIPT No.: 2023-00838 ; \$140.00, Authorization: #44008599231, Applied to: R & A SMART INVESTMENTS, LLC - Class B Filing Fee (\$140.00) Paid for: Zona Law Group PC - By nCourt LLC
- 11-Sep-2023 ORDERED: The case management statement must be filed by 09/22/2023. The opening brief remains due on 10/02/2023. If the statement and brief are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
- 15-Sep-2023 FILED: Defendants [sic] Request for Extension of Time to File "Case Management Statement" and "Opening Brief", Pursuant to Ariz. R. Civ. App. P. 15(e)(2); and Ariz. R. Civ. App. P. 6(b)(1)(a) of the Rules of this Court. [sic] (Stay Request); Defendants [sic] Request for Extension of Time to File "Case Management Statement" and "Opening Brief", Pursuant to Ariz. R. Civ. App. P. 15(e)(2); and Ariz. R. Civ. App. P. 6(b)(1)(a) of the Rules of this Court. [sic] (Certificate of Service) (Appellant Pro Per)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0471****R & A SMART v. FRANK****25 PROCEEDING ENTRIES**

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| 11. | 15-Sep-2023 | FILED: Defendants [sic] Request to "Stay the Issuance of a Writ of Restitution", Pursuant to Ariz. R. Civ. App. P. 7(c) of the Rules of this Court. [sic]; Defendants [sic] Request to "Stay the Issuance of a Writ of Restitution", Pursuant to Ariz. R. Civ. App. P. 7(c) of the Rules of this Court. [sic] (Certificate of Service) (Appellant Pro Per) |
| 12. | 15-Sep-2023 | ORDERED: Defendants [sic] Request for Extension of Time to File "Case Management Statement" and "Opening Brief", Pursuant to Ariz. R. Civ. App. P. 15(e)(2); and Ariz. R. Civ. App. P. 6(b)(1)(a) of the Rules of this Court. [sic] (Stay Request) (Appellant Pro Per) = GRANTED in part and extending the time to file the case management statement from 09/22/2023 to 10/23/2023. FURTHER ORDERED: Extending the time to file the opening brief from 10/02/2023 to 11/01/2023. If the statement and brief are not timely filed, the court will dismiss this appeal. FURTHER ORDERED: Denying the stay request without prejudice to consideration of a new motion to stay if the superior court denies, or has denied, a stay request. Melina Brill ProTem Judge - Author |
| 13. | 18-Sep-2023 | ORDERED: Defendants [sic] Request to "Stay the Issuance of a Writ of Restitution", Pursuant to Ariz. R. Civ. App. P. 7(c) of the Rules of this Court. [sic] (Appellant Pro Per) = DENIED. Hon David B Gass - Author |
| 14. | 23-Oct-2023 | FILED: Defendants [sic]/Appellant "Case Management Statement and Opening Brief" (Appellant Pro Per) |
| 15. | 23-Oct-2023 | FILED: Defendants [sic]/Appellant "Case Management Statement and Opening Brief" (Duplicate); Defendants [sic]/Appellant "Case Management Statement and Opening Brief" (Duplicate); Defendants [sic]/Appellant "Case Management Statement and Opening Brief" (Duplicate) (Appellant Pro Per) |
| 16. | 31-Oct-2023 | FILED: Opening Brief of Appellant; Opening Brief of Appellant (Certificate of Compliance); Opening Brief of Appellant (Certificate of Service) (Appellant Pro Per) |
| 17. | 30-Nov-2023 | FILED: Plaintiff/Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee) |
| 18. | 29-Dec-2023 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |
| 19. | 8-Jan-2024 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 20. | 26-Jan-2024 | CLNDR: CONFERENCE, Department E, 3-14-24, CONFERENCE ROOM. |
| 21. | 26-Mar-2024 | MEMORANDUM DECISION (Affirmed) Hon Anni Hill Foster - Author; Hon Brian Y Furuya - Concur; Hon Randall M Howe - Concu |
| 22. | 26-Mar-2024 | FILED: Decision Distribution Notification |
| 23. | 25-Apr-2024 | FILED: Notice of Intent to File Petition for Review (Appellant Pro Per) |
| 24. | 25-Apr-2024 | FILED: Notice of Intent to File Petition for Review (Duplicate) (Appellant Pro Per) |
| 25. | 2-May-2024 | FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court. |