

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 23-0523**

**HBS v. US BANK/NATIONSTAR**

**Appellate Case Information**

Case Filed: 17-Aug-2023

Case Closed:

**Dept/Composition**

**Department C**

Hon. Paul J McMurdie  
Hon. Maria Elena Cruz  
Hon. Cynthia J Bailey

**Side 1. HBS ENTERPRISES, INC., Plaintiff/Appellee**

(Litigant Group) HBS ENTERPRISES, INC.

- HBS Enterprises Inc

**Attorneys for: Plaintiff/Appellee**

Mark W Horne, Esq. (AZ Bar No. 29449)

Casey C Dempsey, Esq. (AZ Bar No. 35458)

**Side 2. US BANK TRUST, NA, Defendant/Appellant**

(Litigant Group) US BANK TRUST, NA

- US Bank Trust NA

**Attorneys for: Defendant/Appellant**

Kevin P Nelson, Esq. (AZ Bar No. 23381)

Amy D Sells, Esq. (AZ Bar No. 24157)

**Side 3. NATIONSTAR MORTGAGE, LLC, Defendant/Appellee**

(Litigant Group) NATIONSTAR MORTGAGE, LLC

- Nationstar Mortgage LLC

**Attorneys for: Defendant/Appellee Nationstar**

Richard L Cobb, Esq. (AZ Bar No. 11427)

Joseph J Glenn, Esq. (AZ Bar No. 23228)

**CASE STATUS**

Jan 26, 2024....Assigned

| PREDECESSOR CASE(S) | Cause/Charge/Class   | Judgment/Sentence | Judge, Role <Comments>                        | Trial | Dispo |
|---------------------|----------------------|-------------------|---|-------|-------|
| MAR CV2022-007830   | Declaratory Judgment |                   | Randall H Warner,<br>Authoring Judge of Order |       |       |

**19 PROCEEDING ENTRIES**

|     |             |   |  |  |  |
|-----|-------------|---|--|--|--|
| 1.  | 17-Aug-2023 | FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/19/23   |  |  |  |
| 2.  | 17-Aug-2023 | FILED: e-Record on Appeal:<br>Instruments/Minute Entries<br>Exhibits: None  |  |  |  |
| 3.  | 18-Aug-2023 | FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due   |  |  |  |
| 4.  | 18-Aug-2023 | FILED: Notice of Payment of Appellant's Filing Fee; Certificate of Service of: Notice of Payment of Appellant's Filing Fee (Appellant)                                  |  |  |  |
| 5.  | 22-Aug-2023 | FILED: Notice of Filing Transcript; Certificate of Service of: Notice of Filing Transcript (Appellant)  |  |  |  |
| 6.  | 22-Aug-2023 | FILED: Reporters Transcript - 4/28/2023 - Oral Argument (Deanne Ridge) (Appellant)  |  |  |  |
| 7.  | 24-Aug-2023 | RECEIPT No.: 2023-00809 ; \$280.00, Authorization: #36009179265, Applied to: US BANK TRUST, NA - Class A Filing Fee (\$280.00) Paid for: Kevin P Nelson - By nCourt LLC |  |  |  |
| 8.  | 25-Aug-2023 | FILED: Appellate Clerk Notice re: Appellee's Fees; Appellant's Brief/Case Management Statement Due  |  |  |  |
| 9.  | 7-Sep-2023  | FILED: Case Management Statement; Copy of Maricopa County Superior Court Order dated 07/18/2023 re: Final Judgment (Appellant)  |  |  |  |
| 10. | 17-Oct-2023 | FILED: Opening Brief; Certificate of Compliance; Certificate of Service of: Opening Brief (Appellant)   |  |  |  |
| 11. | 11-Dec-2023 | ORDERED: Submitting this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author  |  |  |  |
| 12. | 12-Dec-2023 | FILED: Appellant's Request for Oral Argument; Certificate of Service: Request for Oral Argument (Appellant)   |  |  |  |
| 13. | 29-Dec-2023 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days   |  |  |  |

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*Information presented in this document may not reflect all case activity and is subject to change without notice.*

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- |     |             |  |
|-----|-------------|--|
| 14. | 5-Jan-2024  | ORDERED: Appellant's Request for Oral Argument (Appellant) = DENIED.   |
| 15. | 8-Jan-2024  | FILED: Supplemented Superior Court e-Record with Revised Index of Record   |
| 16. | 26-Jan-2024 | CLNDR: CONFERENCE, Department C, 3-6-24, COURTROOM 1.  |
| 17. | 29-Jan-2024 | ORDERED: Vacating the current conference scheduled for 03/06/2024. FURTHER ORDERED: Remanding this case to the superior court to determine counsel for Plaintiff/Appellee within 90 days of this order. FURTHER ORDERED: Counsel for Plaintiff/Appellee must file a notice of appearance with this Court within ten days of counsel's determination. Failure to appear and file a responsive brief may be seen as a confession of error. The answering brief, if any, must be filed within 40 days of the notice of appearance. FURTHER ORDERED: Staying the appeal for 150 days. The Court will calendar this case for conference once the stay expires. Hon Paul J McMurdie - Author |
| 18. | 13-Mar-2024 | FILED: Copy of Maricopa county Superior Court ME dated 03/08/2024 re: returning this matter to the court of appeals  |
| 19. | 15-Mar-2024 | ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: Reversing the superior court's 07/2023 judgment against U.S. Bank and remanding the case for further proceedings. Hon Paul J McMurdie - Author  |