Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0541 HOLADAY, et al. v. FOREMOST

Appellate Case Information

Case Filed: 29-Aug-2023

Case Closed:

Dept/Composition

Side 1. SHARON HOLADAY, et al., Plaintiff/Appellee

(Litigant Group) SHARON HOLADAY, et al.

- **Sharon Holaday**
- **Bryan Turner**

Attorneys for: Plaintiffs/Appellees

Douglas F Dieker, Esq. (AZ Bar No. 18317)

David L Abney, Esq. (AZ Bar No. 9001)

Side 2. FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN, Defendant/Appellant

(Litigant Group) FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN

- **Foremost Insurance Company Grand Rapids Michigan**

Attorneys for: Defendant/Appellant

Robert T Sullivan, Esq. (AZ Bar No. 22719)

Kelley M Jancaitis, Esq. (AZ Bar No. 25555)

Jessica J Kokal, Esq. (AZ Bar No. 29042)

Tyler M Abrahams, Esq. (AZ Bar No. 24931)

CASE STATUS

Feb 26, 2024....At Issue

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2023-000217	Breach of Contract		John L Blanchard, Authoring Judge of Order		

CASE DECISION

13-Sep-2023 ORDER

Vacated

ORDERED: Dismissing this appeal. Nothing precludes appellant from filing a timely notice of appeal after a final judgment is entered.

Filed: **13-Sep-2023** Mandate:

Decision Disposition
Dismissed

Melina Brill.....Author

30 PROCEEDING ENTRIES

1.	29-Aug-2023	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/31/23
2.	29-Aug-2023	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3.	29-Aug-2023	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4.	5-Sep-2023	RECEIPT No.: 2023-00846 ; $280.00, Check Number: # 135988, Applied to: FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN - Class A Filing Fee ($280.00) Paid for: - By Broening Oberg Woods & Wilson PC
5.	11-Sep-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
6.	13-Sep-2023	ORDERED: Dismissing this appeal. Nothing precludes appellant from filing a timely notice of appeal after a final judgment is entered. Melina Brill ProTem Judge - Author
7.	18-Sep-2023	FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant)
8.	19-Sep-2023	ORDERED: Requesting that appellees file a response to the motion by 10/02/2023. FURTHER ORDERED: Appellant may file a reply in accordance with ARCAP 6(a)(2). The court will rule on the motion following expiration of the time for a response and reply. Melina Brill ProTem Judge - Author

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

30 PROCEEDING ENTRIES

9.	2-Oct-2023	FILED: Response to Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellee)
10.	4-Oct-2023	FILED: Reply in Support of Motion for Reconsideration; Order Re: Response; Certificate of Service (Appellant)
11.	5-Oct-2023	RECEIPT No.: 2023-00941 ; $140.00, Authorization: # 78004991359, Applied to: SHARON HOLADAY, et al. - Class B Filing Fee ($140.00) Paid for: Dieker Copple PLLC - By nCourt LLC
12.	12-Oct-2023	ORDERED: Motion for Reconsideration (Appellant) = GRANTED and reinstating this appeal. FURTHER ORDERED: Appellant shall file the case management statement by 10/23/2023, and the opening brief by 11/13/2023. If appellant does not timely file the opening brief, the court will dismiss the appeal. Hon David B Gass - Author
13.	18-Oct-2023	FILED: Case Management Statement; Certificate of Service (Appellant)
14.	18-Oct-2023	FILED: Notice of Filing and Serving Reporter's Transcript of May 18, 2023, [sic]; Reporter's Transcript - 05/18/2023 - Oral Argument (Kimberly McCright); Certificate of Service (Appellant)
15.	9-Nov-2023	FILED: Motion for Procedural Order to Extend Time to File Answering Brief (Opening Brief); Certificate of Service (Appellant)
16.	9-Nov-2023	ORDERED: Motion for Procedural Order to Extend Time to File Answering Brief (Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 11-13-2023 to Tuesday, 11-28-2023. If the brief is not timely filed, the court may dismiss this appeal. Barbara Vidal Vaught ProTem Judge - Author
17.	28-Nov-2023	FILED: Opening Brief of Defendant/Appellant Foremost Insurance Company Grand Rapids, Michigan; Certificate of Compliance; Certificate of Service (Appellant)
18.	5-Dec-2023	FILED: Notice of Appearance of Attorney David L. Abney; Certificate of Service for Notice of Appearance of Attorney David L. Abney (Appellee)
19.	7-Dec-2023	FILED: Amended Opening Brief of Defendant/Appellant Foremost Insurance Company Grand Rapids, Michigan; Certificate of Compliance; Certificate of Service (Appellant) [stricken per order filed 12/08/23]
20.	8-Dec-2023	ORDERED: Striking the opening brief filed 12/7/23. Melina Brill ProTem Judge - Author
21.	11-Dec-2023	FILED: Motion for Leave to File Amended Opening Brief; Certificate of Service (Appellant)
22.	27-Dec-2023	FILED: Amended Opening Brief of Defendant/Appellant Foremost Insurance Company Grand Rapids, Michigan; Certificate of Compliance; Certificate of Service (Appellant)
23.	27-Dec-2023	ORDERED: Motion for Leave to File Amended Opening Brief (Appellant) = GRANTED. FURTHER ORDERED: Appellant must file the amended opening brief by 01/05/2024. The brief will be accepted in place of the brief filed on 11/28/2023. FURTHER ORDERED: The answering brief is due on 02/05/2024. Barbara Vidal Vaught ProTem Judge - Author
24.	4-Feb-2024	FILED: Answering Brief; Certificate of Compliance for Answering Brief; Certificate of Service for Answering Brief (Appellee)
25.	26-Feb-2024	FILED: Reply Brief of Defendant/Appellant Foremost Insurance Company Grand Rapids, Michigan; Certificate of Compliance; Certificate of Service (Appellant)
26.	28-Feb-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
27.	5-Mar-2024	FILED: Request for Oral Argument; Certificate of Service (Appellant)
28.	6-Mar-2024	FILED: Response to Request for Oral Argument; Certificate of Service for Response to Request for Oral Argument (Appellee)
29.	7-Mar-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
30.	13-Mar-2024	ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author

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