

# Court of Appeals, Division One

## Civil Appeal

# 1 CA-CV 24-0203

# METCALF, et al. v. MONTECITO, et al.

### Appellate Case Information

Case Filed: 21-Mar-2024

Case Closed: 15-May-2024

Dismissal

### Dept/Composition

### Side 1. JEANNE METCALF, et al., Plaintiff/Appellant

(Litigant Group) JEANNE METCALF, et al.

- Jeanne Metcalf
- Kevin Tierney
- Dennis Tierney
- Maryann Murphy
- Kathy Killgore
- ESTATE: Estate of Irene Tierney

### Attorneys for: Plaintiffs/Appellants

Michael Napier, Esq. (AZ Bar No. 2603)

Juliana Betina Tallone, Esq. (AZ Bar No. 35633)

### Side 2. THE MONTECITO PEORIA LESSEE LLC, et al., Defendant/Appellee

(Litigant Group) THE MONTECITO PEORIA LESSEE LLC, et al.

- The Montecito Peoria Lessee LLC
- The Montecito Assisted Living
- Robert Stewart
- Grace Stewart
- Cap X Montecito LLC

### Attorneys for: Defendants/Appellees

Kevin C Nicholas, Esq. (AZ Bar No. 15940)

Jay Rademacher, Esq. (AZ Bar No. 24823)

Joshua D Kalanick, Esq. (AZ Bar No. 37898)

### CASE STATUS

May 15, 2024...Case Closed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2022-011491	Negligence		Susanna C Pineda, Authoring Judge of Order		

### CASE DECISION

08-Apr-2024 ORDER

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

Filed: 08-Apr-2024

Mandate:

Decision Disposition

**Dismissed**

Melina Brill.....Author

### 10 PROCEEDING ENTRIES

- 21-Mar-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/21/24
- 21-Mar-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
- 21-Mar-2024 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 25-Mar-2024 FILED: Reporter's Transcript - 01/05/2024 - Oral Argument (Judith Burnett); Certificate of Service (Appellant)
- 29-Mar-2024 RECEIPT No.: 2024-00316 ; \$280.00, Authorization: #89011241648, Applied to: JEANNE METCALF, et al. - Class A Filing Fee (\$280.00) Paid for: Napier Baillie Wilson Bacon & Tallone PC - By nCourt LLC
- 3-Apr-2024 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
- 3-Apr-2024 FILED: Settlement Conference Program Notice

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 24-0203**

**METCALF, et al. v. MONTECITO, et al.**

**10 PROCEEDING ENTRIES**

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| 8.  | 8-Apr-2024  | RECEIPT No.: 2024-00346 ; \$140.00, Check Number: #202321, Applied to: THE MONTECITO PEORIA LESSEE LLC, et al. - Class B Filing Fee (\$140.00) Paid for: - By Lewis Brisbois Bisgaard & Smith LLP |
| 9.  | 8-Apr-2024  | ORDERED: Dismissing this appeal. Nothing precludes appellants from filing a timely notice of appeal after a final judgment is entered. Melina Brill ProTem Judge - Author                         |
| 10. | 15-May-2024 | FILED: Letter, 05/15/2024, Certified Copy of Order dismissing appeal. No physical record to be returned to clerk, Maricopa County Superior Court.   |