

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0002

WHARTON v. JR PROPERTY

Appellate Case Information

Case Filed: 3-Jan-2023

Case Closed:

Dept/Composition

Department E

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

Side 1. ALICIA LOREN WHARTON, Plaintiff/Appellant

(Litigant Group) ALICIA LOREN WHARTON

- Alicia Loren Wharton

PRO SE

Side 2. JR PROPERTY HOLDINGS, LLC, Defendant/Appellee

(Litigant Group) JR PROPERTY HOLDINGS, LLC

- JR Property Holdings LLC

Attorneys for: Defendant/Appellee

Michael Paul Rolland, Esq. (AZ Bar No. 30744)

Patrick Clisham, Esq. (AZ Bar No. PClisham)

CASE STATUS

Mar 29, 2024....Pending Closure

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2021-014098	Fraud		Bradley H Astrowsky, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-24-0068-PR

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Monday, July 8, 2024

[3 extensions]

Re: ORDERED: Motion for Reconsideration (Appellant Pro Per) = DENIED. FURTHER ORDERED: Accelerated Motion for Leave to Amend/Supplement Appellants' Motion for Reconsideration (Exceed Word Count) (Appellant Pro Per) = DENIED. Hon Anni Hill Foster - Author

CASE DECISION

05-Mar-2024 MEMORANDUM DECISION

Anni Foster.....Author

Brian Furuya.....Concur

Randall Howe.....Concur

Filed: 05-Mar-2024

Mandate:

Decision Disposition

Affirmed

59 PROCEEDING ENTRIES

- 3-Jan-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 12/05/22
- 3-Jan-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
- 3-Jan-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 11-Jan-2023 FILED: Application for Deferral or Waiver of Court Fees or Costs and Consent to Entry of Judgment; Certificate of Service (Appellant Pro Per)
- 11-Jan-2023 FILED: Motion for Procedural Order / Extension of Time to File Case Management Statement and Opening Brief; Certificate of Service (Appellant Pro Per)
- 12-Jan-2023 ORDERED: Motion for Procedural Order / Extension of Time to File Case Management Statement and Opening Brief (Appellant) = GRANTED. Case Management Statement due date EXTENDED from Monday, 01-23-2023 to Wednesday, 02-22-2023. FURTHER ORDERED: Opening Brief due date EXTENDED from Monday, 03-06-2023 to Wednesday, 04-05-2023. If the statement and brief are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author

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7. 13-Jan-2023 FILED: Notice of Appearance of Patrick A. Clisham and Michael P. Rolland as Counsel for Appellee; Certificate of Service (Appellee)
8. 20-Jan-2023 RECEIPT No.: 2023-00070 ; \$140.00, Authorization: #20006688621, Applied to: JR PROPERTY HOLDINGS, LLC - Class B Filing Fee (\$140.00) Paid for: Engelman Berger PC - By nCourt LLC
9. 30-Jan-2023 FILED: Appellee's Motion to Modify the Record and Accept Audio; Certificate of Service (Appellee)
10. 6-Feb-2023 ORDERED: Application for Deferral or Waiver of Court Fees or Costs and Consent to Entry of Judgment (Appellant Pro Per) = DEFERRAL GRANTED. No payments will be due until further notice. Amy M Wood - Author
11. 13-Feb-2023 FILED: Response And Objection To Appellees' Motion To Modify The Record And Accept Audio; Certificate of Service; Exhibit 1 (Appellant)
12. 22-Feb-2023 FILED: Appellee's Reply in Support of Appellee's Motion to Modify the Record and Accept Audio; Certificate of Service (Appellee)
13. 22-Feb-2023 FILED: Case Management Statement; Certification of Service (Appellant Pro Per)
14. 24-Feb-2023 FILED: Response and Objection to Appellee's Reply in Support of Appellees' Motion to Modify the Record and Accept Audio; Certificate of Service; Exhibit 1 and 2; Plaintiffs Accelerated Motion for Stay (Exhibit 3) Without Attached Exhibits, Files to Large Must File Separately [sic]. (Appellant Pro Per)
15. 24-Feb-2023 FILED: Exhibits for "Exhibit [sic] 3" of Plaintiffs' Motion to Stay; Certificate of Service; Exhibit "3" of Plaintiffs' Motion to Stay (Appellant Pro Per)
16. 2-Mar-2023 ORDERED: Appellee's Motion to Modify the Record and Accept Audio (Appellee) = GRANTED and allowing appellee to file two copies of the USB drive with this court containing the recording of the 09/23/2021 justice court hearing. Appellee is reminded that appellant must be served with the recording. Hon Kent E Cattani - Author
17. 8-Mar-2023 FILED: Motion For Procedural Order / Extension Of Time To File Opening Brief; Certificate of Service (Appellant)
18. 13-Mar-2023 FILED: Appellee's Response To Motion For Procedural Order/Extension Of Time To File Opening Brief; Certificate of Service (Appellee)
19. 18-Mar-2023 FILED: Reply To Appellee's Response To Motion For Procedural Order / Extension Of Time To File Opening Brief; Certificate of Service (Appellant)
20. 24-Mar-2023 ORDERED: Motion For Procedural Order / Extension Of Time To File Opening Brief (Appellant) = GRANTED in part. Due date EXTENDED from Wednesday, 04-05-2023 to Wednesday, 04-19-2023. If the brief is not timely filed, the court will dismiss this appeal. FURTHER ORDERED: Denying appellant's request for appellee to produce a written transcript. Hon David B Gass - Author
21. 12-Apr-2023 FILED: Accelerated Motion For Procedural Order / Extension Of Time To File Opening Brief; Certificate of Service; Exhibits 1-5 (Appellant)
22. 14-Apr-2023 FILED: Accelerated Motion for Reconsideration on the Court's Order Denying Procedural Order / Extension of Time to File Opening Brief; Certificate of Service (Appellant)
23. 14-Apr-2023 ORDERED: Accelerated Motion For Procedural Order / Extension Of Time To File Opening Brief (Appellant) = DENIED. Melina Brill ProTem Judge - Author
24. 14-Apr-2023 ORDERED: Accelerated Motion for Reconsideration on the Court's Order Denying Procedural Order / Extension of Time to File Opening Brief (Appellant) = GRANTED and extending the time to file the opening brief from 04/19/2023 to 05/19/2023. If the opening brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
25. 19-Apr-2023 FILED: Notice of Filing Official Transcript of Hearing; Certificate of Service; Reporter's Transcript - 09/23/2021 - Hearing (Kimberly McCright) (Appellant Pro Per)
26. 1-May-2023 FILED: Notice of Filing Order on Supersedeas Bond; Certificate of Service; Copy of Maricopa County Superior Court ME dated 04/28/2023 re: Motion for Reconsideration (Appellant Pro Per)
27. 15-May-2023 FILED: Accelerated Motion for Procedural Order/Extension of Time to File Opening Brief; Certificate of Service (Appellant Pro Per)
28. 16-May-2023 ORDERED: Accelerated Motion for Procedural Order/Extension of Time to File Opening Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Friday, 05-19-2023 to Monday, 06-19-2023. If the opening brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
29. 19-Jun-2023 FILED: Appellant's Opening Brief; Certificate and Compliance; Certificate of Service (Appellant Pro Per)
30. 27-Jun-2023 FILED: Motion for Leave to Amend Appellants' [sic] Initial Opening Brief Filed 6/19/2023. [sic]; Certificate of Service; Appellant's Amended Opening Brief; Certificate and [sic] Compliance (Appellant Pro Per)

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31. 28-Jun-2023 ORDERED: Vacating the current deadline for filing the answering brief. The court will set a new deadline when it rules on the motion to amend. Barbara Vidal Vaught ProTem Judge - Author
32. 18-Jul-2023 ORDERED: Motion for Leave to Amend Appellants' [sic] Initial Opening Brief Filed 6/19/2023. [sic] (Appellant Pro Per) = GRANTED and accepting the amended opening brief filed on 06/27/2023, in place of the brief filed on 06/19/2023. FURTHER ORDERED: The answering brief is due on 08/28/2023. Melina Brill ProTem Judge - Author
33. 28-Aug-2023 FILED: Answering Brief of Appellee JR Property Holdings LLC; Appellee's Certificate of Compliance Concerning Answering Brief; Certificate of Service of Appellee's Answering Brief and Appellee's Certificate of Compliance Re: Appellee's Answering Brief (Appellee)
34. 4-Sep-2023 FILED: Motion to Object to Answering Brief for Improper Service of Process / Request for Sanctions; Certificate of Service; Response and Objection to Appellee's Reply in Support of Appellees' Motion to Modify the Record and Accept Audio (Duplicate); Arizona Address Confidentiality Program (Appellant Pro Per)
35. 4-Sep-2023 FILED: TurboCourt Filing; Certificate of Service (Duplicate); Plaintiffs' Response to Defendant's Application for Attorney's Fees (Superior Court Filing); Motion to Discharge Garnishee Pursuant to § A.R.S. 12-1587 (Superior Court Filing) (Appellant Pro Per)
36. 4-Sep-2023 FILED: Application for Supplemental Proceedings (Judgment Debtor Examination) (Superior Court Filing); Certificate of Service (Duplicate) (Appellant Pro Per)
37. 5-Sep-2023 ORDERED: Vacating the 09/18/2023 due date for the reply brief. The order ruling on the pending motion will set a due date to file the reply brief. Melina Brill ProTem Judge - Author
38. 18-Sep-2023 FILED: Appellee's Response to Appellant's Motion to Objection to Answering Brief for Improper Service of Process/Request for Sanctions; Certificate of Service of Appellee's Response to Appellant's Motion to Objection to Answering Brief for Improper Service Process/Request for Sanctions (Appellee)
39. 3-Oct-2023 ORDERED: Motion to Object to Answering Brief for Improper Service of Process / Request for Sanctions (Appellant Pro Per) = GRANTED in part and extending the time to file the reply brief to 10/24/2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. FURTHER ORDERED: Denying the request for sanctions. Melina Brill ProTem Judge - Author
40. 24-Oct-2023 FILED: Appellant's Reply Brief; Appellant's Certificate of Compliance Concerning Reply Brief; Certificate of Service of Appellant's Reply Brief and Appellant's Certificate of Compliance Re: Appellant's Reply Brief (Appellant Pro Per)
41. 30-Oct-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
42. 9-Nov-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
43. 24-Nov-2023 CLNDR: CONFERENCE, Department E, 1-25-24, COURTROOM 2.
44. 5-Mar-2024 MEMORANDUM DECISION (Affirmed) Hon Anni Hill Foster - Author; Hon Brian Y Furuya - Concur; Hon Randall M Howe - Concu
45. 5-Mar-2024 FILED: Decision Distribution Notification
46. 15-Mar-2024 FILED: Appellee's Statement of Attorneys' Fees and Costs; Certificate of Service of Appellee's Statement of Attorneys' Fees and Costs (Appellee)
47. 18-Mar-2024 FILED: Accelerated Motion for Procedural Order / Request for an Extension of Time to File Motion for Reconsideration and Responses to Attorneys Fees and Costs; Certificate of Service; Exhibit (to Accelerated Motion for Procedural Order / Request for an Extension of Time to File Motion for Reconsideration and Responses to Attorneys Fees and Costs) (Appellant Pro Per)
48. 19-Mar-2024 ORDERED: Accelerated Motion for Procedural Order / Request for an Extension of Time to File Motion for Reconsideration and Responses to Attorneys Fees and Costs (Appellant Pro Per) = GRANTED and extending the motion for reconsideration due date to 03/27/2024. FURTHER ORDERED: Extending the response to attorneys' fees and costs due date to 04/05/2024. Hon Anni Hill Foster - Author
49. 26-Mar-2024 FILED: Accelerated Request for Extended Oral Argument Post-Memorandum Decision (Extension for Motion for Reconsideration); Certificate of Service (Appellant Pro Per)
50. 26-Mar-2024 ORDERED: Accelerated Request for Extended Oral Argument Post-Memorandum Decision (Extension for Motion for Reconsideration) (Appellant Pro Per) = DENIED. Hon Anni Hill Foster - Author
51. 27-Mar-2024 FILED: Motion for Reconsideration; Appellant's Certificate of Compliance Concerning Motion for Reconsideration; Certificate of Service (Appellant Pro Per)
52. 28-Mar-2024 FILED: Accelerated Motion for Leave to Amend/Supplement Appellants' Motion for Reconsideration (Exceed Word Count); Certificate of Service (Appellant Pro Per)

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- 53. 29-Mar-2024 ORDERED: Motion for Reconsideration (Appellant Pro Per) = DENIED. FURTHER ORDERED: Accelerated Motion for Leave to Amend/Supplement Appellants' Motion for Reconsideration (Exceed Word Count) (Appellant Pro Per) = DENIED. Hon Anni Hill Foster - Author
- 54. 5-Apr-2024 FILED: Appellant's Response to Attorney Fees and Costs; Certificate of Service; Exhibit #1; Exhibit #2 (Appellant)
- 55. 8-Apr-2024 FILED: ASC Order filed 04/08/2024 re: extending time for filing Petition for Review to 05/15/2024
- 56. 12-Apr-2024 FILED: Appellee's Reply in Support of Statement of Attorneys' Fees and Costs; Certificate of Service of Appellee's Reply in Support of Statement of Attorneys' Fees and Costs (Appellee)
- 57. 16-Apr-2024 ORDERED: Appellee's Statement of Attorneys' Fees and Costs (Appellee) = GRANTED and awarding attorneys' fees in the amount of \$19,481.50 and costs in the amount of \$208.41 to Defendant/Appellee and against Plaintiff/Appellant. Hon Anni Hill Foster - Author
- 58. 7-May-2024 FILED: ASC Order Filed 05/07/2024 re: extending time for filing Petition for Review to 06/14/2024
- 59. 11-Jun-2024 FILED: ASC Order Filed 06/11/2024 re: extending time for filing Petition for Review to 07/08/2024