

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0102

SPARKS v. COBB

Appellate Case Information

Case Filed: 1-Mar-2023

Case Closed:

Dept/Composition

Department A

Hon. Angela K Paton
Hon. Michael S Catlett
Hon. James B Morse

Side 1. KENDELL SPARKS, Plaintiff/Appellant

(Litigant Group) KENDELL SPARKS

- Kendell Sparks

Attorneys for: Plaintiff/Appellant

Brad J Crider, Esq. (AZ Bar No. 26225)

Side 2. JOHN CHRISTOPHER COBB, Defendant/Appellee

(Litigant Group) JOHN CHRISTOPHER COBB

- John Christopher Cobb

Attorneys for: Defendant/Appellee

Steven H Everts, Esq. (AZ Bar No. 4831)

CASE STATUS

Apr 23, 2024.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2022-013391	Change of Name		Brian Kaiser, Authoring Judge of Order		

4 OPEN DUE DATES

Motion for Reconsideration due

Due By: Wednesday, May 8, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Michael S Catlett - Author; Hon Angela K Paton - Concur; Hon James B Morse Jr. - Concur

Response to Attorneys Fees due

Due By: Wednesday, May 15, 2024

Re: FILED: Affidavit of Steven H. Everts Re: Attorney's Fees and Costs on Appeal (Appellee)

Response to Costs due

Due By: Wednesday, May 15, 2024

Re: FILED: Affidavit of Steven H. Everts Re: Attorney's Fees and Costs on Appeal (Appellee)

Petition for Review to ASC due

Due By: Thursday, May 23, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Michael S Catlett - Author; Hon Angela K Paton - Concur; Hon James B Morse Jr. - Concur

2 PENDING MATTERS

General Motion

Filed: 1-May-2024

Affidavit of Steven H. Everts Re: Attorney's Fees and COSTS ON APPEAL (Appellee)

General Motion

Filed: 1-May-2024

Affidavit of Steven H. Everts Re: ATTORNEY'S FEES and Costs on Appeal (Appellee)

CASE DECISION

23-Apr-2024 MEMORANDUM DECISION

Michael Catlett.....Author
Angela Paton.....Concur
James Morse.....Concur

Filed: 23-Apr-2024

Mandate:

Decision Disposition

Affirmed

36 PROCEEDING ENTRIES

- 1-Mar-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/31/23
- 1-Mar-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: Hearing Date 1/10/23 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31

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3.	2-Mar-2023	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4.	14-Mar-2023	FILED: Notice of Payment of Appellant's Filing Fee; (Untitled) Certificate of Service (Appellant)
5.	17-Mar-2023	RECEIPT No.: 2023-00273 ; \$280.00, Authorization: #76004165705, Applied to: KENDALL SPARKS - Class A Filing Fee (\$280.00) Paid for: Crider Law PLLC - By nCourt LLC
6.	22-Mar-2023	FILED: Case Management Statement (Appellant)
7.	24-Mar-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
8.	30-Mar-2023	ORDERED: (per Sorensen v. Farmers) staying appeal until 04/28/2023. Signed order with certification of finality pursuant to Rule 54(c) due within 10 days after its entry. If appeal reinstated by filing of signed order, opening brief due 05/30/2023. Melina Brill ProTem Judge - Author
9.	15-May-2023	FILED: Appellant's Motion to Continue Stay of Appeal; (Certificate of Service) Appellant's Motion to Continue Stay of Appeal (Appellant)
10.	18-May-2023	ORDERED: Appellant's Motion to Continue Stay of Appeal (Appellant) = GRANTED in part and continuing the stay of this appeal until 06/14/2023, for the purposes set forth in this court's 03/30/2023 stay order. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the ruling within 10 days after its entry, marked for filing in this appeal. The stay will be lifted automatically when this court receives the signed Rule 54(c) order. FURTHER ORDERED: The stay will be lifted automatically on 06/14/2023, unless before that date appellant files a motion to continue the stay. If appellant does not file a motion to continue the stay and the superior court has not entered a signed Rule 54(c) order, this court will dismiss this appeal. FURTHER ORDERED: If this court has received a signed Rule 54(c) order before 06/14/2023, the opening brief is due on 07/14/2023. Melina Brill ProTem Judge - Author
11.	7-Jun-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
12.	14-Jun-2023	FILED: Appellant's Motion to Continue Stay of Appeal; Appellant's Certificate of Service of Motion to Continue Stay of Appeal (Appellant)
13.	15-Jun-2023	ORDERED: Appellant's Motion to Continue Stay of Appeal (Appellant) = GRANTED in part and continuing the stay of this appeal until 07/17/2023, for the purposes set forth in this court's 03/30/2023 stay order. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the ruling within 10 days after its entry, marked for filing in this appeal. The stay will be lifted automatically when this court receives the signed Rule 54(c) order. FURTHER ORDERED: The stay will be lifted automatically on 07/17/2023, unless before that date appellant files a motion to continue the stay. If appellant does not file a motion to continue the stay and the superior court has not entered a signed Rule 54(c) order, this court will dismiss this appeal. FURTHER ORDERED: If this court has received a signed Rule 54(c) order before 07/17/2023, the opening brief is due on 08/16/2023. Melina Brill ProTem Judge - Author
14.	29-Jun-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
15.	15-Aug-2023	FILED: Appellant's Motion to Extend Time to Submit Opening Brief; Appellant's Certificate of Service of Motion to Extend Time to Submit Opening Brief (Appellant)
16.	16-Aug-2023	ORDERED: Appellant's Motion to Extend Time to Submit Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 08-16-2023 to Monday, 10-16-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
17.	16-Oct-2023	FILED: Appellant's Opening Brief; Appellant's Certificate of Compliance; Appellant's Certificate of Service (Appellant)
18.	16-Oct-2023	FILED: Appellant's Notice of Filing Transcript; Appellant's Certificate Of Service Of Notice Of Filing Transcript (Appellant)
19.	16-Oct-2023	FILED: Reporter's Transcript - 01/10/2023 - Evidentiary Hearing (Anneliese Grassi) (Appellant)
20.	21-Nov-2023	FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service Re: Motion for Extension of Time to File Answering Brief (Appellee)
21.	22-Nov-2023	ORDERED: Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 11-27-2023 to Wednesday, 12-27-2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
22.	27-Nov-2023	RECEIPT No.: 2023-01105 ; \$140.00, Authorization: # 31014632914, Applied to: JOHN CHRISTOPHER COBB - Class B Filing Fee (\$140.00) Paid for: Udall Shumway PLC - By nCourt LLC
23.	27-Dec-2023	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
24.	16-Jan-2024	FILED: Appellant's Reply Brief; Appellant's Certificate of Compliance; Appellant's Certificate of Service (Appellant)
25.	22-Jan-2024	FILED: Request for Oral Argument; Certificate of Service (Appellee)

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26.	30-Jan-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
27.	9-Feb-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
28.	13-Feb-2024	ORDERED: Request for Oral Argument (Appellee) = GRANTED. Hon David B Gass - Author
29.	26-Feb-2024	CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 4-2-24, 09:30 am, COURTROOM 1.
30.	26-Feb-2024	FILED: Notice of Oral Argument
31.	4-Mar-2024	FILED: Notice of Conflict/Expedited Motion to Continue; Certificate of Service (Appellee)
32.	5-Mar-2024	ORDERED: Vacating oral argument set for 04/02/2024. The case will be conferenced on 04/02/2024, without oral argument, and a decision will be issued in due course. FURTHER ORDERED: Notice of Conflict/Expedited Motion to Continue (Appellee) = DENIED as moot. Hon Angela K Paton - Author
33.	23-Apr-2024	MEMORANDUM DECISION (Affirmed) Hon Michael S Catlett - Author; Hon Angela K Paton - Concur; Hon James B Morse Jr. - Concur
34.	23-Apr-2024	FILED: Decision Distribution Notification
35.	1-May-2024	FILED: Affidavit of Steven H. Everts Re: Attorney's Fees and Costs on Appeal (Appellee)
36.	1-May-2024	FILED: Certificate of Service (Appellee)