

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0155****EOM&D, et al. v. LEE, et al.****Appellate Case Information**

Case Filed: 22-Mar-2023

Case Closed:

Dept/Composition**Side 1. EOM&D MANAGEMENT, LLC, et al., Plaintiff/Appellee****(Litigant Group) EOM&D MANAGEMENT, LLC, et al.**

- EOM&D Management LLC
- Edward Kirk
- Olivia Kirk

Attorneys for: Plaintiffs/Appellees

Sharon A Urias, Esq. (AZ Bar No. 16970)

Daniel Nageotte, Esq. (AZ Bar No. 35562)

Eric M Fraser, Esq. (AZ Bar No. 27241)

Alexandria Karpurk, Esq. (AZ Bar No. 37029)

Side 2. JOHNNY NAMROUD, Defendant/Appellee**(Litigant Group) JOHNNY NAMROUD**

- Johnny Namroud

Attorneys for: Defendant/Appellee Namroud

Timothy I McCulloch, Esq. (AZ Bar No. 23732)

Side 3. ANDREW LEE, et al., Defendant/Appellant**(Litigant Group) ANDREW LEE, et al.**

- Andrew Lee
- Lois Lee

Attorneys for: Defendants/Appellants

Michael W Baldwin, Esq. (AZ Bar No. 12625)

Side 4. PAUL LANDESMAN, et al., Intervenor/Appellee**(Litigant Group) PAUL LANDESMAN, et al.**

- Paul Landesman
- Janet Kando
- Mary Deslover
- David Mando
- Sundos Hamza

Attys for: Intervenor/Appellees Landesman et al

Randall S Papetti, Esq. (AZ Bar No. 14586)

Jennifer Lee-Cota, Esq. (AZ Bar No. 33190)

CASE STATUS

Mar 29, 2024....At Issue

PREDECESSOR CASE(S)

MAR CV2017-055732

Cause/Charge/Class

Breach of Contract

Judgment/Sentence**Judge, Role <Comments>**Randall H Warner,
Authoring Judge of Order**Trial****Dispo****OPEN DUE DATE****Additional Record Due****Due By:**

Monday, May 13, 2024

*Re: FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days***39 PROCEEDING ENTRIES**

- 22-Mar-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/21/23 and Notice of Cross Appeal from Maricopa County Superior Court filed 2/22/23
- 22-Mar-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: Hearing Date 8/3/21 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 15, 16, 17, 20, 24, 25, 28, 30, 35, 36, 37, 40, 41, 42, 43, 44, 46, 48, 49, 50, 54, 55, 57, 59, 61, 62, 63, 64, 66, 70, 72, 73, 74, 75, 76, 77, 78, 83, 84, 86, 88, 90, 92

Digital Exhibits: Plaintiff Hearing Date 4/1/14 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 Defendant Hearing Date 2/18/22 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29

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3. 22-Mar-2023 FILED: Additional Record on Appeal
Physical Exhibits: Hearing Date 12/26/2017 - List # 1 3 7 15 16 17 19 20 26 27 28 29 30 31 40 43 44 45 46 51 53 57 58 59 63 68
78 79 85 86 101 104 106 114 125 133 134 137 140 in a box; Hearing Date 12/19/2019 - List # 1 3 4 5 6 7 8 9 10 11 15 16 17 18
19 21 22 24 25
26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 in a Manila Envelope;
Hearing Date 08/02/2021 - List # 80 85 96 101 in Manila Envelope
4. 22-Mar-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 5-Apr-2023 FILED: Notice of Payment of Appellant's Filing Fee; Notice of Payment of Appellant's Filing Fee (Certificate of Service)
(Appellant/Cross-Appellee Lee)
6. 11-Apr-2023 FILED: Case Management Statement (Appellant/Cross-Appellee)
7. 12-Apr-2023 RECEIPT No.: 2023-00349 ; \$280.00, Authorization: #02012260812, Applied to: ANDREW LEE, et al. - Class A Filing Fee
(\$280.00) Paid for: Greenbriar Law PLC - By nCourt LLC
8. 24-Apr-2023 FILED: Appellate Clerk Notice Re: Cross Appellant's Fee and Case Management Statement Due/Appellant's Brief Due
9. 8-May-2023 FILED: Notice of Payment of Filing Fee; Notice of Payment of Filing Fee (Certificate of Service) (Appellee/Cross-Appellant
EOM&D)
10. 12-May-2023 RECEIPT No.: 2023-00434 ; \$280.00, Authorization: #32007467322, Applied to: EOM&D MANAGEMENT, LLC, et al. - Class A
Filing Fee (\$280.00) Paid for: Greenspoon Marder LLP - By nCourt LLC
11. 17-May-2023 FILED: Motion for Procedural Order: for First Extension of Time to File Opening Brief; (Certificate of Service) Motion for
Procedural Order: for First Extension of Time to File Opening Brief (Appellants/Cross-Appellees)
12. 18-May-2023 ORDERED: Motion for Procedural Order: for First Extension of Time to File Opening Brief (Appellants/Cross-Appellees) =
GRANTED. Due date EXTENDED from Monday, 05-22-2023 to Friday, 07-21-2023. If the brief is not timely filed, the court will
dismiss this appeal. Melina Brill ProTem Judge - Author
13. 23-May-2023 FILED: Case Management Statement (Appellee/Cross-Appellant EOM&D)
14. 17-Jul-2023 FILED: Motion for Procedural Order: For Second Extension of Time to File Opening Brief; Motion for Procedural Order: For
Second Extension of Time to File Opening Brief (Certificate of Service) (Appellants-Cross/Appellees)
15. 18-Jul-2023 ORDERED: Motion for Procedural Order: For Second Extension of Time to File Opening Brief (Appellants/Cross-Appellees) =
GRANTED. Due date EXTENDED from Friday, 07-21-2023 to Monday, 09-18-2023. No further extension will be granted. If brief
not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
16. 1-Aug-2023 FILED: Notice of Substituion [sic] of Counsel w/n Same Firm; Notice of Substituion [sic] of Counsel w/n Same Firm (Certificate of
Service) (Appellant/Cross-Appellee Lee)
17. 19-Sep-2023 FILED: Appellant's Opening Brief; Appellant's Opening Brief (Certificate of Compliance); Appellant's Opening Brief (Certificate of
Service) (Appellant/Cross-Appellee)

[Replaced by brief filed on 09/20/2023]
18. 20-Sep-2023 FILED: Motion Requesting that Filing of Appellant's Amended Opening Brief be made Timely; Motion Requesting that Filing of
Appellant's Amended Opening Brief be made Timely (Certificate of Service) (Appellant/Cross-Appellee)
19. 20-Sep-2023 FILED: Appellant's Amended Opening Brief; Appellant's Amended Opening Brief (Certificate of Compliance); Appellant's
Amended Opening Brief (Certificate of Service) (Appellant/Cross-Appellee)
20. 22-Sep-2023 ORDERED: Motion Requesting that Filing of Appellant's Amended Opening Brief be made Timely (Appellant/Cross-Appellee) =
GRANTED and accepting the opening brief filed on 09/20/2023, in place of the brief filed on 09/19/2023. Melina Brill ProTem
Judge - Author
21. 13-Oct-2023 FILED: Unopposed Motion for Procedural Order for Extension of Time to File Combined Answering Brief and Cross-Appealing
Opening Brief; Unopposed Motion for Procedural Order for Extension of Time to File Combined Answering Brief and
Cross-Appealing Opening Brief (Duplicate) (Certificate of Service) (Cross-Appellant)
22. 13-Oct-2023 ORDERED: Unopposed Motion for Procedural Order for Extension of Time to File Combined Answering Brief and
Cross-Appealing Opening Brief (Cross-Appellant) = GRANTED. Due date EXTENDED from Monday, 10-30-2023 to Friday,
12-29-2023 for the answering/cross-opening brief and all answering briefs. Melina Brill ProTem Judge - Author
23. 20-Dec-2023 FILED: Lee's Emergency Motion Requesting an Immediate Stay and Appropriate Order(s) Maintaining a Stay Pending Appeal
Pursuant to ARCAP 7(c); Lee's Emergency Motion Requesting an Immediate Stay and Appropriate Order(s) Maintaining a Stay
Pending Appeal Pursuant to ARCAP 7(c) (Certificate of Service) (Appellants/Cross-Appellees)

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| 24. | 20-Dec-2023 | ORDERED: Lee's Emergency Motion Requesting an Immediate Stay and Appropriate Order(s) Maintaining a Stay Pending Appeal Pursuant to ARCAP 7(c) (Appellants/Cross-Appellees) = DENIED without prejudice to Mr. Lee seeking relief in the form of a petition for special action concerning the bond orders. The court does not express an opinion on whether special action jurisdiction will be accepted. Hon David B Gass - Author |
| 25. | 29-Dec-2023 | FILED: Motion to Voluntarily Dismiss Cross-Appeal; Certificate of Service (Appellees/Cross-Appellants EOM&D) |
| 26. | 29-Dec-2023 | FILED: Request for Oral Argument; Certificate of Service (Appellees/Cross-Appellants EOM&D) |
| 27. | 29-Dec-2023 | FILED: Notice of Appearance; Certificate of Service (Appellee/Cross-Appellant EOM&D) |
| 28. | 29-Dec-2023 | FILED: Notice of Filing Transcripts; Certificate of Service (Appellee EOM&D) |
| 29. | 29-Dec-2023 | FILED: Reporter's Transcript - 08/02/2021 - Reporter's Transcript of the Testimony of Mr. Andrew Lee (Lori Reinhardt) (Appellee EOM&D) |
| 30. | 29-Dec-2023 | FILED: Reporter's Transcript - 08/03/2021 - Trial Day 2 (Kristyn Lobry) (Appellee EOM&D) |
| 31. | 29-Dec-2023 | FILED: Plaintiffs/Appellees EOM&D Management, LLC; Edward Kirk, DDS; and Olivia Kirk's Answering Brief and Appendix; Certificate of Compliance; Certificate of Service (Appellee EOM&D) |
| 32. | 2-Jan-2024 | ORDERED: Motion to Voluntarily Dismiss Cross-Appeal (Appellees/Cross-Appellants EOM&D) = GRANTED and dismissing the cross-appeal. FURTHER ORDERED: Amending the caption and docket in this appeal by removing the designations of "cross-appellants" and "cross-appellees." The caption shown on this order shall be used on all future documents filed in this appeal. Melina Brill ProTem Judge - Author |
| 33. | 7-Feb-2024 | FILED: Motion for Procedural Order: For First Extension of Time to File Reply Brief; Motion for Procedural Order: For First Extension of Time to File Reply Brief (Duplicate) (Certificate of Service) (Appellants) |
| 34. | 7-Feb-2024 | FILED: Motion Requesting that Filing of Appellant's Request for Extension of Time to File Reply Be Made Timely; Motion Requesting that Filing of Appellant's Request for Extension of Time to File Reply Be Made Timely (Duplicate) (Certificate of Service) (Appellants) |
| 35. | 7-Feb-2024 | ORDERED: Motion for Procedural Order: For First Extension of Time to File Reply Brief/Motion Requesting that Filing of Appellant's Request for Extension of Time to File Reply Be Made Timely (Appellants) = Granting both motions and extending the time to file the reply brief to 03/08/2024. If the brief is not timely filed, the court will submit this appeal for decisions on the record and the filed briefs. Melina Brill ProTem Judge - Author |
| 36. | 7-Mar-2024 | FILED: Motion for Procedural Order: for Second Extension of Time to File Reply Brief; Motion for Procedural Order: for Second Extension of Time to File Reply Brief (Duplicate)(Certificate of Service) (Appellant) |
| 37. | 7-Mar-2024 | ORDERED: Motion for Procedural Order: for Second Extension of Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 03-08-2024 to Friday, 03-29-2024. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author |
| 38. | 1-May-2024 | ORDERED: Request for Oral Argument (Appellees EOM&D/Kirk) = GRANTED. Hon David B Gass - Author |
| 39. | 2-May-2024 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |