

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 23-0195**

**HIGH DESERT, et al. v. CEC 141202761**

**Appellate Case Information**

Case Filed: **6-Apr-2023**

Case Closed:

**Dept/Composition**

**Department B**

Hon. Michael J Brown  
Hon. Andrew M Jacobs  
Hon. Angela K Paton

**Side 1. HIGH DESERT HEALING, LLC, et al., Plaintiff/Appellee**

(Litigant Group) HIGH DESERT HEALING, LLC, et al.

- High Desert Healing LLC
- Harvest Dispensaries, Cultivations & Productions Facilities
- Harvest Health & Recreation Inc

**Co-Counsel for: Plaintiffs/Appellees**

Paul A Conant, Esq. (AZ Bar No. 12667)  
Melissa A Emmel, Esq. (AZ Bar No. 23195)  
Eric M Fraser, Esq. (AZ Bar No. 27241)  
John S. Bullock, Esq. (AZ Bar No. 34950)

**Side 2. CEC 141202761, LLC, Defendant/Appellant**

(Litigant Group) CEC 141202761, LLC

- CEC 141202761 LLC

**Attorneys for: Defendant/Appellant**

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

**CASE STATUS**

Mar 15, 2024....**Motion for Reconsideration Pending**

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2021-016161	Breach of Contract		Danielle J Viola, Authoring Judge of Order		
MAR CV2021-053708					

**3 PENDING MATTERS**

**General Motion**

*Statement of Costs (Appellees)*

Filed: 14-Mar-2024

**General Motion**

*Application for Attorneys' Fees (Appellees)*

Filed: 14-Mar-2024

**General Motion**

*Motion for Reconsideration (Appellant)*

Filed: 15-Mar-2024

**CASE DECISION**

**29-Feb-2024 MEMORANDUM DECISION**

Michael Brown.....Author  
Andrew Jacobs.....Concur  
Angela Paton.....Concur

Filed: **29-Feb-2024**

Mandate:

Decision Disposition

**Affirmed**

**41 PROCEEDING ENTRIES**

- 6-Apr-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 03/08/23
- 6-Apr-2023 FILED: e-Record on Appeal: (CV2021-016161)  
Instruments/Minute Entries  
Exhibits: Hearing Date 5/2/22 3, 10, 16, 20, 25, 29, 42, 52, 53, 55, 56, 57, 58, 59, 61, 64, 66, 67, 68, 69, 70, 71, 80, 82, 88, 90, 91, 93, 101, 102, 122, 123, 124, 153, 154, 193, 199, 200, 202, 208, 219, 233, 236, 239, 240, 246, 249, 250, 251, 252, 254, 259, 263

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3.	6-Apr-2023	FILED: e-Record on Appeal: (CV2021-053708) Instruments/Minute Entries Exhibits: None
4.	6-Apr-2023	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5.	20-Apr-2023	FILED: Motion for Oral Argument; Certificate of Service for Motion for Oral Argument (Appellant)
6.	20-Apr-2023	FILED: Case Management Statement (Appellant)
7.	26-Apr-2023	RECEIPT No.: 2023-00388 ; \$280.00, Authorization: #16004758457, Applied to: CEC 141202761, LLC - Class A Filing Fee (\$280.00) Paid for: David L Abney - By nCourt LLC
8.	28-Apr-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
9.	2-May-2023	FILED: Appelles' [sic] Notice of Payment of Filing Fee; Appelles' [sic] Notice of Payment of Filing Fee (Certificate of Service) (Appellee)
10.	8-May-2023	RECEIPT No.: 2023-00422 ; \$140.00, Authorization: #28010882195, Applied to: HIGH DESERT HEALING, LLC, et al. - Class B Filing Fee (\$140.00) Paid for: Paul A Conant - By nCourt LLC
11.	10-May-2023	FILED: Notice of Appearance; Certificate of Service (Appellee)
12.	5-Jun-2023	FILED: Opening Brief; Certificate of Compliance for Opening Brief; Certificate of Service for Opening Brief (Appellant)
13.	6-Jul-2023	FILED: Unopposed Motion For Procedural Order Extending Time to File Answering Brief; Certificate of Service (Appellee)
14.	6-Jul-2023	FILED: Notice of Appearance; Certificate of Service (Appellee)
15.	6-Jul-2023	ORDERED: Unopposed Motion For Procedural Order Extending Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 07-17-2023 to Wednesday, 08-16-2023. If brief not timely filed, the court will submit this appeal on the record and the opening brief. Barbara Vidal Vaught ProTem Judge - Author
16.	15-Aug-2023	FILED: Request for Oral Argument; Certificate of Service (Appellee)
17.	15-Aug-2023	FILED: Plaintiffs/Appellees' Answering Brief and Appendix; Certificate of Compliance; Certificate of Service (Appellee)
18.	5-Sep-2023	FILED: Reply Brief; Certificate of Compliance for Reply Brief; Certificate of Service for Reply Brief (Appellant)
19.	22-Sep-2023	ORDERED: Motion for Oral Argument (Appellant) And Request for Oral Argument (Appellee) = GRANTED. Hon David B Gass - Author
20.	27-Sep-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21.	6-Oct-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
22.	25-Oct-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 12-19-23, 10:15 am, COURTROOM 1.
23.	30-Oct-2023	FILED: Notice of Oral Argument
24.	6-Dec-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Eric Fraser on 10/30/2023 (Appellee)
25.	18-Dec-2023	FILED: Return Receipt for Notice of Oral Argument, signed by David Abney on 10/30/2023 (Appellant)
26.	19-Dec-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 12/19/2023
27.	20-Dec-2023	FILED: Motion for Procedural Order to Strike Transcripts; Certificate of Service (Appellee)
28.	20-Dec-2023	FILED: Reporter's Transcript - 05/02/2022 - Bench Trial (Michele Kaley) (Appellant)  [stricken per order filed 02/29/2024]
29.	20-Dec-2023	FILED: Reporter's Transcript - 05/03/2022 - Bench Trial (Michele Kaley) (Appellant)  [stricken per order filed 02/29/2024]
30.	20-Dec-2023	FILED: Reporter's Transcript - 05/04/2022 - Bench Trial (Michele Kaley) (Appellant)  [stricken per order filed 02/29/2024]

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31.	20-Dec-2023	FILED: Reporter's Transcript - 05/05/2022 - Bench Trial (Michele Kaley) (Appellant)  [stricken per order filed 02/29/2024]
32.	5-Jan-2024	FILED: Response to Motion for Procedural Order to Strike Transcripts; Certificate of Service for Response to Procedural Order to Strike Transcripts (Appellant)
33.	8-Jan-2024	FILED: Reply in Support of Motion for Procedural Order to Strike Transcripts; Certificate of Service (Appellee)
34.	29-Feb-2024	ORDERED: Motion for Procedural Order to Strike Transcripts (Appellee) = GRANTED. FURTHER ORDERED: Directing the clerk of this court to remove the trial transcripts from the record on appeal. Hon Michael J Brown - Author
35.	29-Feb-2024	MEMORANDUM DECISION (Affirmed) Hon Michael J Brown - Author; Hon Andrew M Jacobs - Concur; Hon Angela K Paton - Concur
36.	29-Feb-2024	FILED: Decision Distribution Notification
37.	14-Mar-2024	FILED: Application for Attorneys' Fees; Certificate of Service (Appellees)
38.	14-Mar-2024	FILED: Statement of Costs; Certificate of Service (Appellees)
39.	15-Mar-2024	FILED: Motion for Reconsideration; Certificate of Compliance for Motion for Reconsideration; Certificate of Service for Motion for Reconsideration (Appellant)
40.	28-Mar-2024	FILED: Response to Application for Attorney's Fees; Certificate of Service for Response to Application for Attorney's Fees (Appellant)
41.	4-Apr-2024	FILED: Reply to Application for Attorneys' Fees; Certificate of Service (Appellees)