

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0212

MCALISTER, et al. v. LOEB

Appellate Case Information

Case Filed: 18-Apr-2023

Case Closed:

Dept/Composition

Department F

Hon. Jennifer B Campbell
Hon. Kent E Cattani
Hon. Anni Hill Foster

Side 1. ROY MCALISTER, et al., Plaintiff/Appellant

(Litigant Group) ROY MCALISTER, et al.

- Roy McAlister
Kathleen McAlister

Attorneys for: Plaintiffs/Appellants

B Lance Entrekin, Esq. (AZ Bar No. 16172)
David L Abney, Esq. (AZ Bar No. 9001)

Side 2. LOEB & LOEB, LLP, Defendant/Appellee

(Litigant Group) LOEB & LOEB, LLP

- Loeb & Loeb LLP

Attorneys for: Defendant/Appellee

Amy Abdo, Esq. (AZ Bar No. 16346)
Jessica Post, Esq. (AZ Bar No. 27468)
Brett Gilmore, Esq. (AZ Bar No. 34598)

CASE STATUS

Apr 1, 2024.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2018-012158, Legal Malpractice, M Scott McCoy, Authoring Judge of Order.

Table with 2 columns: DESCENDENT CASE(S), Cause/Charge/Class. Row 1: ASC, CV-24-0048-PR.

CASE DECISION

01-Feb-2024 MEMORANDUM DECISION

Amended Per Order Filed 2-22-24

Filed: 01-Feb-2024

Mandate:

Jennifer Campbell.....Author
Kent Cattani.....Concur
Anni Foster.....Concur

Table with 1 column: Decision Disposition. Rows: Affirmed in Part, Reversed, Remanded in Part.

36 PROCEEDING ENTRIES

- 1. 18-Apr-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 03/21/23
2. 18-Apr-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 19-Apr-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 26-Apr-2023 RECEIPT No.: 2023-00385 ; \$280.00, Authorization: #16004758458, Applied to: ROY MCALISTER, et al. - Class A Filing Fee (\$280.00) Paid for: Barry L Entrekin - By nCourt LLC
5. 28-Apr-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
6. 2-May-2023 FILED: Case Management Statement (Appellant)
7. 12-May-2023 FILED: Appellee's Notice of Payment of Filing Fee; Certificate of Service to Appellee's Notice of Payment of Filing Fee (Appellee)
8. 18-May-2023 RECEIPT No.: 2023-00449 ; \$140.00, Authorization: #38006203678, Applied to: LOEB & LOEB, LLP - Class B Filing Fee (\$140.00) Paid for: Fennemore Craig PC - By nCourt LLC

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0212****MCALISTER, et al. v. LOEB****36 PROCEEDING ENTRIES**

9.	22-May-2023	FILED: Opening Brief of Plaintiffs-Appellants; Opening Brief of Plaintiffs-Appellants (Certificate of Compliance); Opening Brief of Plaintiffs-Appellants (Certificate of Service) (Appellant)
10.	16-Jun-2023	FILED: Motion for Procedural Order Extending Answering Brief Deadline; Certificate of Service to Appellee's Motion for Procedural Order Extending Answering Brief Deadline (Appellee)
11.	19-Jun-2023	ORDERED: Motion for Procedural Order Extending Answering Brief Deadline (Appellee) = GRANTED. Due date EXTENDED from Monday, 07-03-2023 to Friday, 08-04-2023. 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
12.	4-Aug-2023	FILED: Defendant/Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
13.	22-Aug-2023	FILED: Reply Brief of Plaintiffs-Appellants; Reply Brief of Plaintiffs-Appellants (Certificate of Compliance); Reply Brief of Plaintiffs-Appellants (Certificate of Service) (Appellant)
14.	29-Aug-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
15.	5-Sep-2023	FILED: Appellee's Request for Oral Argument; Certificate of Service to Appellee's Request for Oral Argument (Appellee)
16.	8-Sep-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
17.	22-Sep-2023	ORDERED: Appellee's Request for Oral Argument (Appellee) = GRANTED. Hon David B Gass - Author
18.	26-Sep-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department F, 11-9-23, 10:15 am, COURTROOM 1.
19.	26-Sep-2023	FILED: Notice of Oral Argument
20.	27-Sep-2023	FILED: Return Receipt for Notice of Oral Argument, signed by B Lance Entrekin on 09/26/2023 (Appellant)
21.	4-Oct-2023	FILED: Appellants' Motion for the Court to Take Judicial Notice; Certificate of Service for Appellants' Motion Regarding Judicial Notice (Appellant)
22.	18-Oct-2023	FILED: Opposition to Request for Judicial Notice of Baseball Statistics; Certificate of Service (Appellee)
23.	19-Oct-2023	FILED: Reply Supporting Appellants' Motion Regarding Judicial Notice; Certificate of Service for Appellants' Reply Supporting Motion Regarding Judicial Notice (Appellant)
24.	31-Oct-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Jessica Post on 09/26/2023 (Appellee)
25.	9-Nov-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 11/09/2023
26.	15-Nov-2023	FILED: Loeb's Motion for Procedural Order for Leave to Submit Supplemental Briefing; Certificate of Service (Appellee)
27.	16-Nov-2023	FILED: Appellants' Response to Motion for Procedural Order for Leave to Submit Supplemental Briefing; Appellants' Response to Motion for Procedural Order for Leave to Submit Supplemental Briefing (Duplicate) (Certificate of Service) (Appellant)
28.	22-Nov-2023	FILED: Loeb's Reply in Support of Motion for Procedural Order for Leave to Submit Supplemental Briefing; Certificate of Service (Appellee)
29.	28-Nov-2023	ORDERED: Loeb's Motion for Procedural Order for Leave to Submit Supplemental Briefing (Appellee) = DENIED. Hon Jennifer B Campbell - Author
30.	1-Feb-2024	MEMORANDUM DECISION (Affirmed in Part, Reversed, Remanded in Part) Hon Jennifer B Campbell - Author; Hon Kent E Cattani - Concur; Hon Anni Hill Foster - Concur
31.	1-Feb-2024	FILED: Decision Distribution Notification
32.	15-Feb-2024	FILED: Motion for Reconsideration (Oral Argument Requested); Motion for Reconsideration (Oral Argument Requested) (Duplicate) (Certificate of Compliance); Motion for Reconsideration (Oral Argument Requested) (Duplicate) (Certificate of Service) (Appellant)
33.	22-Feb-2024	ORDERED: Motion For Reconsideration (Oral Argument Requested) (Appellant) = DENIED. FURTHER ORDERED: Request for Oral Argument(Appellant) = DENIED. ORDERED: Amending the memorandum decision filed 2/1/24, paragraph 20, line 8, by removing the name "Burns". The balance of the memorandum decision remains the same. Hon Jennifer B Campbell - Author
34.	6-Mar-2024	FILED: ASC Order filed 03/06/2024 re: extending time for filing Petition for Review to 04/05/2024.
35.	3-Apr-2024	FILED: Email Notice from ASC re: Petition for Review filed 4/1/24; request for partial record
36.	4-Apr-2024	FILED: Letter forwarding partial record to Arizona Supreme Court

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0212

MCALISTER, et al. v. LOEB

36 PROCEEDING ENTRIES