

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0351

GROVES v. LAYTON et al.

Appellate Case Information

Case Filed: 16-Jun-2023

Case Closed: 10-Jul-2023

Reinstated x 1: 10-Jul-2023 Abandoned

Re-Closed:

Dept/Composition

Department E

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

Side 1. GROVES PROPERTIES, LP, Plaintiff/Appellant

(Litigant Group) GROVES PROPERTIES, LP

- Groves Properties LP

Co-Counsel for: Plaintiff/Appellant

Aaron C Huber, Esq. (AZ Bar No. 26273)
Bryan W Barney, Esq. (AZ Bar No. 27270)
Lynn M Allen, Esq. (AZ Bar No. 12612)
Leah M McKeever, Esq. (AZ Bar No. 34235)
Leslie K Harrach, Esq. (AZ Bar No. 23560)

Side 2. LAYTON CONSTRUCTION COMPANY, LLC, et al., Defendant/Appellee

(Litigant Group) LAYTON CONSTRUCTION COMPANY, et al.

- Layton Construction Company LLC
Arizona Fastners Corporation

Attorneys for: Defendants/Appellees

Jodi L Mullis, Esq. (AZ Bar No. 24044)

CASE STATUS

May 9, 2024.....Pending in ASC

Jul 10, 2023.....Reinstated Case

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2022-050078, Breach of Contract, Melissa Iyer Julian, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-24-0103-PR

CASE DECISION

09-Apr-2024 MEMORANDUM DECISION

Randall Howe.....Author
Anni Foster.....Concur
Brian Furuya.....Concur

Filed: 09-Apr-2024 Mandate:

Decision Disposition

Affirmed

48 PROCEEDING ENTRIES

- 1. 16-Jun-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/19/23
2. 16-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 19-Jun-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 7-Jul-2023 FILED: Notice of Appearance; Certificate of Service of Notice of Appearance (Appellant)
5. 7-Jul-2023 FILED: Case Management Statement (Appellant)
6. 7-Jul-2023 FILED: Certificate of Service of Appellant's Case Management Statement (Appellant)
7. 7-Jul-2023 FILED: Plaintiff Groves Properties LP's Notice of Filing of Transcript; Certificate of Service Regarding Plaintiff Groves Properties LP's Notice of Filing of Transcript (Appellant)
8. 7-Jul-2023 FILED: Reporter's Transcript - 02/23/2023 - Oral Argument (Kimberly McCright) (Appellant)

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9. 10-Jul-2023 FILED: Letter, 07/10/2023, to Clerk, Maricopa County Superior Court, Re: Pursuant to A.R.S. 12-322A appeal shall be deemed abandoned. No record to be returned.
[Withdrawn per order filed 07/10/2023]
10. 10-Jul-2023 ORDERED: Withdrawing the abandonment letter and reinstating this appeal. FURTHER ORDERED: The case management statement is due on 07/20/2023, and the opening brief is due on 08/18/2023. Barbara Vidal Vaught ProTem Judge - Author
11. 13-Jul-2023 RECEIPT No.: 2023-00627 ; \$280.00, Authorization: 94011477506, Applied to: GROVES PROPERITIES, LP - Class A Filing Fee (\$280.00) Paid for: Tyson & Mendes LLP - By nCourt LLC
12. 17-Jul-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
13. 18-Jul-2023 RECEIPT No.: 2023-00645 ; \$280.00, Check Number: VV3996, Applied to: GROVES PROPERITIES, LP - Class A Filing Fee (\$280.00) Paid for: Tyson & Mendes LLP - By Tyson & Mendes LLP
14. 15-Aug-2023 FILED: Stipulation for Extension of Time to File Opening Brief; Certificate of Service Re: Stipulation for Extension of Time to File Opening Brief (Appellant)
15. 16-Aug-2023 ORDERED: Stipulation for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 08-18-2023 to Friday, 09-08-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
16. 8-Sep-2023 FILED: Appellant's Opening Brief; Certificate of Compliance of Appellant's Opening Brief; Certificate of Service of Appellant's Opening Brief (Appellant)
17. 8-Sep-2023 FILED: Appellant's Opening Brief (Appendix) (Appellant)
18. 23-Oct-2023 FILED: Stipulation Regarding Amendments to Filing Dates; Defendants / Appellees' Certificate of Service of Stipulation Regarding Amendments to Filing Dates; Order to Amend Filing Dates (Appellee)
19. 24-Oct-2023 ORDERED: Stipulation Regarding Amendments to Filing Dates (Appellee) = DENIED. Melina Brill ProTem Judge - Author
20. 25-Oct-2023 FILED: Motion Regarding Amendments to Filing Dates; Defendant / Appellees' Certificate of Service of Motion Regarding Amendments to Filing Dates (Appellee)
21. 25-Oct-2023 FILED: Motion Withdrawing Motion Regarding Amendments to Filing Dates; Defendants / Appellees' Certificate of Service of Motion to Withdraw Motion Regarding Amendments to Filing Dates (Appellee)
22. 25-Oct-2023 FILED: Motion Regarding Amendments to Filing Dates; Defendants / Appellees' Certificate of Service of Motion Regarding Amendments to Filing Dates (Appellee)
23. 25-Oct-2023 RECEIPT No.: 2023-01006 ; \$280.00, Check Number: VV3996, Applied to: GROVES PROPERITIES, LP - Overpayment Class A (\$280.00) Paid for: Tyson & Mendes LLP - By Tyson & Mendes LLP (Memo: X Ref: 2023-00645 Overpayment. Refund needed.)
24. 25-Oct-2023 VOID RECEIPT No.: 2023-00645 - \$-280.00, Check Number: VV3996, - Applied to: GROVES PROPERITIES, LP - Class A Filing Fee (\$-280.00) Paid for: Tyson & Mendes LLP - By: Tyson & Mendes LLP VOID Reason: X-Ref: 2023-01006. Incorrect receivable type. ala
25. 25-Oct-2023 FILED: Defendants / Appellees' Notice of Payment of Filing Fee; Defendants / Appellees' Certificate of Service of Notice of Payment of Filing Fee (Appellee)
26. 25-Oct-2023 ORDERED: Motion Regarding Amendments to Filing Dates (Appellee) = GRANTED. Due date (answering brief) EXTENDED from Wednesday, 10-18-2023 to Wednesday, 11-08-2023. 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
27. 26-Oct-2023 ORDERED: Motion Withdrawing Motion Regarding Amendments to Filing Dates (Appellee) = GRANTED. FURTHER ORDERED: Affirming the 10/25/2023 order. The answering brief remains due by 11/08/2023. Melina Brill ProTem Judge - Author
28. 31-Oct-2023 RECEIPT No.: 2023-01023 ; \$140.00, Authorization: # 04010733152, Applied to: LAYTON CONSTRUCTION COMPANY, et al. - Class B Filing Fee (\$140.00) Paid for: Wood Smith Henning & Berman LLP - By nCourt, LLC
29. 7-Nov-2023 FILED: Appellees' Answering Brief; Certificate of Compliance for Appellees' Answering Brief; Certificate of Service of Appellees' Answering Brief (Appellee)
30. 7-Nov-2023 FILED: Appendix to Appellees' Answering Brief (Appellee)
31. 9-Nov-2023 FILED: Letter dated 11/09/2023 to Tyson & Mendes, LLC from Court re: enclosing check # 113558 in the amount of \$280.00 for refund of monies submitted in error

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Civil Appeal

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48 PROCEEDING ENTRIES

32. 21-Nov-2023 FILED: Motion for Procedural Order to Extend Deadline for Reply Brief; Certificate of Service of Appellant's Motion for Procedural Order to Extend Deadline for Reply Brief (Appellant)
33. 21-Nov-2023 ORDERED: Motion for Procedural Order to Extend Deadline for Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 11-27-2023 to Monday, 12-11-2023. 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
34. 11-Dec-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
35. 29-Dec-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
36. 8-Jan-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
37. 26-Jan-2024 CLNDR: CONFERENCE, Department E, 3-21-24, CONFERENCE ROOM.
38. 9-Apr-2024 MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Anni Hill Foster - Concur; Hon Brian Y Furuya - Concu
39. 9-Apr-2024 FILED: Decision Distribution Notification
40. 23-Apr-2024 FILED: Defendants Layton Construction Company, LLC and Arizona Fasteners' Verified Statement of Attorneys' Fees and Costs; Defendants Layton Construction Company, LLC and Arizona Fasteners' Certificate of Service of Verified Statement of Attorneys' Fees and Costs on Appeal (Appellee)
41. 23-Apr-2024 FILED: Defendants Layton Construction Company, Llc and Arizona Fasteners' Amended Verified Statement of Attorneys' Fees and Costs; Defendants Layton Construction Company, LLC and Arizona Fasteners' Amended Certificate of Service of Verified Statement of Attorneys' Fees and Costs on Appeal (Appellees)
42. 7-May-2024 FILED: Appellants' Opposition to Appellee's Amended Verified Statement of Attorneys' Fees; Certificate of Service (Appellant)
43. 9-May-2024 FILED: Email Notice from ASC re: Petition for Review filed 05/09/2024; request for partial record
44. 13-May-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
45. 16-May-2024 FILED: Defendants Layton Construction Company, LLC and Arizona Fasteners' Reply to Appellant's Opposition to the Verified Statement of Attorneys' Fees and Costs on Appeal; Defendants Layton Construction Company, LLC and Arizona Fasteners' Certificate of Service of its Reply to the Verified Statement of Attorneys' Fees and Costs on Appeal (Appellee)
46. 20-May-2024 FILED: ASC Order filed 05/20/2024 re: extending time for filing Petition for Review to 06/04/2024
47. 28-May-2024 ORDERED: Defendants Layton Construction Company, LLC and Arizona Fasteners' Verified Statement of Attorneys' Fees and Costs (Appellees) = GRANTED and awarding attorneys' fees in the amount of \$10,720.50 and costs in the amount of \$202.50 to Defendant/Appellees and against Plaintiff/Appellant. Hon Randall M Howe - Author
48. 7-Jun-2024 FILED: ASC Order filed 06/07/2024 re: extending time for filing Petition for Review to 06/05/2024.