

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0361

HARVEY v. BORBON, et al.

Appellate Case Information

Case Filed: 21-Jun-2023
Case Closed:

Dept/Composition

Department F
Hon. Daniel J Kiley
Hon. Kent E Cattani
Hon. D Steven Williams

Side 1. T. L. HARVEY, Plaintiff/Appellant
(Litigant Group) T. L. HARVEY

T L Harvey PRO SE

Side 2. SUSANA BORBON MONTIEL, et al., Defendant/Appellee
(Litigant Group) SUSANA BORBON MONTIEL, et al.

Susana Borbon Montiel
Kelvin Eduardo Burri Campana

Attorneys for: Defendant/Appellee
Sanford K Gerber, Esq. (AZ Bar No. 16506)
Elizabeth B N Garcia, Esq. (AZ Bar No. 32209)

CASE STATUS

Apr 23, 2024.....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR CV2021-090440 Non Death Personal Injury Patricia A Trebesch, Authoring Judge of Order

DESCENDENT CASE(S)

ASC CV-24-0110-PR

OPEN DUE DATE

Petition for Review to ASC due Due By: Tuesday, July 23, 2024
Re: MEMORANDUM DECISION (Affirmed) Hon D Steven Williams - Author; Hon Daniel J Kiley - Concur; Hon Kent E Cattani - Concur [1 extension]

CASE DECISION

23-Apr-2024 MEMORANDUM DECISION

D Williams.....Author
Daniel Kiley.....Concur
Kent Cattani.....Concur

Filed: 23-Apr-2024 Mandate:
Decision Disposition
Affirmed

41 PROCEEDING ENTRIES

- 1. 21-Jun-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/23/23
2. 21-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 21-Jun-2023 FILED: Additional Record on Appeal: Physical Exhibits: Hearing Date 04/17/2023 - List # 10 11 12 15 95 96 97 in Manila Envelope; USB Drive in white envelope
4. 21-Jun-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 6-Jul-2023 FILED: Appellant's Motion for Procedural Order (Extension of Time to File) (Appellant Pro Per)
6. 7-Jul-2023 ORDERED: Appellant's Motion for Procedural Order (Extension of Time to File) (Appellant Pro Per) = GRANTED. Due date EXTENDED from Tuesday, 07-11-2023 to Friday, 08-11-2023. If the case management statement is not timely filed, the court will consider imposing sanctions, which may include dismissing this appeal. FURTHER ORDERED: Denying appellant's request that this court compel the superior court commissioner to "make the trial recordings available in a timely fashion." The opening brief remains due on 08/21/2023. Barbara Vidal Vaught ProTem Judge - Author
7. 10-Jul-2023 FILED: Case Management Statement (Appellant Pro Per)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0361****HARVEY v. BORBON, et al.****41 PROCEEDING ENTRIES**

8. 11-Jul-2023 RECEIPT No.: 2023-00616 ; \$280.00, Authorization: # 92012104708, Applied to: T. L. HARVEY - Class A Filing Fee (\$280.00) Paid for: T. L. HARVEY - By nCourt, LLC
9. 17-Jul-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
10. 17-Jul-2023 ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 08/17/2023. Signed order re: minute entry of 06/15/2023 filed 06/16/2023 due within 10 days after its entry. If appeal reinstated by filing of signed order, opening brief due 09/18/2023. Melina Brill ProTem Judge - Author
11. 31-Jul-2023 FILED: Notice of Appearance and Substitution of Counsel; Certificate of Service (Appellee)
12. 31-Jul-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee)
13. 4-Aug-2023 RECEIPT No.: 2023-00719 ; \$140.00, Authorization: #16003688085, Applied to: SUSANA BORBON MONTIEL, et al. - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By nCourt LLC
14. 11-Aug-2023 FILED: Appellant's Memorandum (Opening Brief) (Appellant Pro Per)
15. 25-Aug-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
16. 18-Sep-2023 FILED: Appellant's Brief (Amended Opening Brief) (Appellant Pro Per)
17. 20-Sep-2023 ORDERED: Striking opening brief filed on 09/18/2023. Melina Brill ProTem Judge - Author
[vacated per order filed 10/18/2023]
18. 25-Sep-2023 FILED: Appellees' Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
[stricken per order filed 11/14/2023]
19. 27-Sep-2023 FILED: Appellant's "[sic] Motion for Appeals Court to Make Correction of "Order Striking Second Opening Brief" (Appellant Pro Per)
20. 11-Oct-2023 FILED: Appellant's Reply to "Appellees' Answering Brief" (Reply Brief) (Appellant Pro Per)
[stricken per order filed 11/14/2023]
21. 18-Oct-2023 ORDERED: Appellant's "[sic] Motion for Appeals Court to Make Correction of "Order Striking Second Opening Brief" (Appellant Pro Per) = GRANTED and vacating the 09/20/2023 "Order Striking Second Opening Brief." The 09/18/2023 brief will be considered the opening brief in this appeal. Melina Brill ProTem Judge - Author
22. 26-Oct-2023 FILED: Appellees' Motion for Amended Scheduling Order to Allow Supplemental Filing Addressing the Opening Brief Reinstated After the Close of Briefing; Certificate of Service (Appellee)
23. 30-Oct-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
24. 9-Nov-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
25. 14-Nov-2023 ORDERED: Appellees' Motion for Amended Scheduling Order to Allow Supplemental Filing Addressing the Opening Brief Reinstated After the Close of Briefing (Appellee) = GRANTED. FURTHER ORDERED: Striking the answering brief filed 09/25/2023. FURTHER ORDERED: Striking the reply brief filed 10/11/2023. FURTHER ORDERED: Appellees' answering brief is due on 12/15/2023. FURTHER ORDERED: Appellant's reply brief is due within 20 days after service of the answering brief. FURTHER ORDERED: Directing appellant to serve appellees with all documents appellant subsequently files in this appeal and to file an accurate certificate of service. If appellant fails to comply with this order, the court will consider imposing sanctions, including dismissing this appeal. Melina Brill ProTem Judge - Author
26. 27-Nov-2023 FILED: Appellant's Motion in Opposition of Court's "Order" (Appellant Pro Per)
27. 28-Nov-2023 ORDERED: Appellant's Motion in Opposition of Court's "Order" (Appellant Pro Per) = Affirming the order (order re: briefing and service filed 11/14/2023). Hon David B Gass - Author
28. 15-Dec-2023 FILED: Appellees' Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
29. 29-Dec-2023 FILED: Appellant's Reply to Defendants' Answer Brief (Reply Brief) (Appellant Pro Per)
30. 2-Jan-2024 ORDERED: Appellant must file the certificate of compliance by 01/16/2024. If the certificate is not timely filed, the court may impose sanctions, including striking the reply brief. Melina Brill ProTem Judge - Author
31. 8-Jan-2024 FILED: Letter, 01/03/2024, from Appellant Pro Per to COA1 re: Certificate of Compliance (Certificate of Compliance) (Appellant Pro Per)

Court of Appeals, Division One

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41 PROCEEDING ENTRIES

32. 30-Jan-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
33. 9-Feb-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
34. 26-Feb-2024 CLNDR: CONFERENCE, Department F, 4-11-24, COURTROOM 1.
35. 23-Apr-2024 MEMORANDUM DECISION (Affirmed) Hon D Steven Williams - Author; Hon Daniel J Kiley - Concur; Hon Kent E Cattani - Concu
36. 23-Apr-2024 FILED: Decision Distribution Notification
37. 25-Apr-2024 FILED: Appellant's Request that Each Side Bears its Own Cost (Appellant Pro Per)
38. 7-May-2024 FILED: Appellees' Application for Attorneys' Fees; Certificate of Service (Appellee)
39. 7-May-2024 FILED: Appellees' Verified Statement of Costs; Certificate of Service (Appellee)
40. 22-May-2024 FILED: ASC Order extending the time to file a petition for review to 7/23/24.
41. 28-May-2024 ORDERED: Appellant's Request that Each Side Bears its Own Cost (Motion for Reconsideration) (Appellant Pro Per) = DENIED. FURTHER ORDERED: granting Appellees' request for fees in the amount of \$8,412.00 and costs of \$181.61. Hon D Steven Williams - Author