

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0394

GROSS, et al. v. THE SHORES

Appellate Case Information

Case Filed: 29-Jun-2023

Case Closed:

Dept/Composition

Department D

Hon. Samuel A Thumma
Hon. Jennifer B Campbell
Hon. Michael J Brown

Side 1. GORDON GROSS and LILIANA GROSS, husband and wife; 854 PINE CREEK, LLC, an Arizona limited liability company; BALD EAGLE RETREAT, LLC, an Arizona limited liability company; 1501 RAINBOW VIEW LLC, an Arizona limited liability; LAKESIDE FAMILY INVESTMENTS, LLC, an Arizona limited liability company; STEVEN A KERNAGIS and SANDRA K. KERNAGIS, trustees of the STEVEN AND SANDRA KERNAGIS TRUST DATED MARCH 17, 2014; THOMAS P. ZEHRING and JEANNETTE ROSE ZEHRING, trustees of the ZEHRING LIVING TRUST DATED MARCH 1, 2001; and JEANNETTE ZEHRING; RONALD D. KYER, JR. and DESIREEE KYER, husband and wife, Plaintiff/Appellee/Cross-Appellant (Litigant Group) GORDON GROSS, et al.

- Gordon Gross
Liliana Gross
854 Pine Creek LLC
Bald Eagle Retreat LLC
1501 Rainbow View LLC
Lakeside Family Investments
Steven A Kernagis
Sandra K Kernagis
Thomas P Zehring
Jeanette Rose Zehring
Zehring Living Trust Dated March 1, 2001
Ronald D Kyer, Jr.
Desiree Kyer

Attorneys for: Plaintiff/Appellee/Cross-Appellant

Rick K Carter, Esq. (AZ Bar No. 12660)
Joseph R Rainey, Esq. (AZ Bar No. 37536)
Matthew Klopp, Esq. (AZ Bar No. 23313)
Stockton D Banfield, Esq. (AZ Bar No. 27789)

Side 2. THE SHORES AT RAINBOW LAKE COMMUNITY ASSOCIATION, Defendant/Appellant/Cross-Appellee

(Litigant Group) THE SHORES AT RAINBOW LAKE COMMUNITY ASSOCIATION

- The Shores at Rainbow Lake Community Association

Attorneys for: Defendant/Appellant/Cross-Appellee

John R Cunningham, Esq. (AZ Bar No. 4961)
James L Csontos, Esq. (AZ Bar No. 10823)

CASE STATUS

Mar 6, 2024.....Under Advisement

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: NAV, S0900CV202200042, Quiet Title, Michala M Ruechel, Authoring Judge of Order.

CALENDAR

Wednesday MONTHLY COURT CASE CALENDAR Mixed
6-Mar-2024 Department D; COURTROOM 2
9:30 AM THE SHORES AT RAINBOW LAKE COMMUNITY ASSOCIATION..... 20 mins.
GORDON GROSS, et al..... 20 mins.

30 PROCEEDING ENTRIES

- 1. 29-Jun-2023 FILED: Index of Record, Notice of Appeal from Navajo County Superior Court filed 06/15/23
2. 29-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 30-Jun-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0394****GROSS, et al. v. THE SHORES****30 PROCEEDING ENTRIES**

4. 6-Jul-2023 FILED: Notice of Filing Transcript (Reporter's Transcript - 04/24/2023 - Digitally Taped Proceedings (Kelly Palmer)) (Reporter's Transcript - 05/17/2023 - Digitally Taped Proceedings (Kelly Palmer)); Certificate of Service (Appellant)
5. 12-Jul-2023 RECEIPT No.: 2023-00624 ; \$280.00, Authorization: #3009284661, Applied to: THE SHORES AT RAINBOW LAKE COMMUNITY ASSOCIATION - Class A Filing Fee (\$280.00) Paid for: Jennings Haug Keleher McLeod LLP - By nCourt LLC
6. 13-Jul-2023 FILED: Case Management Statement (Appellant)
7. 13-Jul-2023 FILED: Certificate of Service (Appellant)
8. 17-Jul-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
9. 28-Jul-2023 FILED: Case Management Statement (Appellee)
10. 2-Aug-2023 RECEIPT No.: 2023-00711 ; \$140.00, Authorization: # 14007104149, Applied to: GORDON GROSS, et al. - Class B Filing Fee (\$140.00) Paid for: Dyer Bregman Ferris Wong & Carter, PLLC - By nCourt, LLC
11. 8-Aug-2023 FILED: Joint Motion to Include Additional Transcripts; Certificate of Service; Exhibit A (Appellee)
12. 10-Aug-2023 ORDERED: Joint Motion to Include Additional Transcripts (Appellee) = GRANTED and supplementing the record on appeal with transcript of the 04/06/2022 proceeding. Melina Brill ProTem Judge - Author
13. 10-Aug-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Cross-Appeal filed 7/5/23 in Superior Court of Navajo County)
14. 17-Aug-2023 FILED: Notice of Payment of Cross-Appeal Fee; Certificate of Service (Appellee/Cross-Appellant)
15. 23-Aug-2023 RECEIPT No.: 2023-00803 ; \$140.00, Authorization: #35009191254, Applied to: GORDON GROSS, et al. - Class A Upgrade Fee (A-B) (\$140.00) Paid for: Dyer Bregman Ferris Wong & Carter, PLLC - By nCourt LLC
16. 28-Aug-2023 FILED: Motion for Procedural Order and Appellant's Motion To Extend Time to File Opening Brief; Certificate of Service (Appellant)
17. 28-Aug-2023 ORDERED: Motion for Procedural Order and Appellant's Motion To Extend Time to File Opening Brief (Appellant) = GRANTED and extending the time to file the opening brief from 08/29/2023, 2023 [sic] to 09/18/2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
18. 18-Sep-2023 FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
19. 27-Oct-2023 FILED: Combined Answering Brief on Appeal and Opening Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service; Appendix Combined Answering Brief on Appeal and Opening Brief on Cross-Appeal (Appellee/Cross-Appellant)
20. 6-Dec-2023 FILED: Appellant's Reply Brief and Answering Brief on Cross Appeal; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
21. 21-Dec-2023 FILED: Request For Oral Argument; Certificate of Service (Appellant/Cross-Appellee)
22. 21-Dec-2023 FILED: Reply Brief on Cross Appeal; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
23. 29-Dec-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
24. 4-Jan-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
25. 5-Jan-2024 ORDERED: Request For Oral Argument (Appellant/Cross-Appellee) = GRANTED. Hon David B Gass - Author
26. 26-Jan-2024 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 3-6-24, 09:30 am, COURTROOM 2.
27. 29-Jan-2024 FILED: Notice of Oral Argument
28. 15-Feb-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Stockton Banfield on 01/29/2024 (Appellee/Cross-Appellant)
29. 28-Feb-2024 FILED: Return Receipt for Notice of Oral Argument, signed by James Csontos on 01/29/2024 (Appellant/Cross-Appellee)
30. 6-Mar-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 03/06/2024