

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0423****ELI v. PROCACCIANTI, et al.****Appellate Case Information**

Case Filed: 10-Jul-2023

Case Closed:

Dept/Composition**Department E**Hon. Anni Hill Foster
Hon. Brian Y Furuya
Hon. Randall M Howe**Side 1. ZADOK ELI, et al., Plaintiff/Appellant****(Litigant Group) ZADOK ELI, et al.**

- Zadok Eli PRO SE
- Hana Eli PRO SE

(Litigant Group) COLLEEN LONDON, et al.(1 CA-CV 23-0424, 1 CA-CV 23-0425) Dismissed per order filed 01/04/2024**Side 2. PROCACCIANTI AZ II, LP, et al., Defendant/Appellee****(Litigant Group) PROCACCIANTI AZ II LP**

- Procaccianti AZ II LP **Attorneys for: Defendant/Appellee Procaccti**
Andrew M Federhar, Esq. (AZ Bar No. 6567)
Jessica Anne Gale, Esq. (AZ Bar No. 30583)

(Litigant Group) HILTON CASITAS CONSEL OF HOMEOWNERS

- Hilton Casitas Council of Homeowners **Attorneys for: Defendant/Appellee Hilton**
R Corey Hill, Esq. (AZ Bar No. 12188)
Ginette M Hill, Esq. (AZ Bar No. 18272)
Christopher Robbins, Esq. (AZ Bar No. 11064)

CASE STATUS**Apr 26, 2024....Assigned**

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2012-000363					
MAR	CV2012-051066	Breach of Contract		Melissa Iyer Julian, Authoring Judge of Order		

OPEN DUE DATE**Additional Record Due****Due By:**

Thursday, May 9, 2024

*Re: FILED: Amended Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days***CALENDAR****Thursday** MONTHLY COURT CASE CALENDAR
13-Jun-2024 Department E; COURTROOM 2*Mixed***49 PROCEEDING ENTRIES**

1. 10-Jul-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/09/23
2. 10-Jul-2023 FILED: e-Record on Appeal: (CV2012-051066)
Instruments/Minute Entries
Exhibits: None sent with e-Record
3. 10-Jul-2023 FILED: Additional Record on Appeal:
Physical Exhibits: Hearing Date 2/1/16 List and # 1, 2, 4, 5, 6, 9, 11, 12, 13, 14, 15,1 6, 17, 18, 19, 19.001, 20, 21, 22, 25, 26, 27, 28, 37, 39, 42, 43, 51, 55, 57, 59, 61, 64, 68, 72, 76, 77, 78, 79, 82, 89, 93 in Manila Envelope
4. 10-Jul-2023 FILED: e-Record on Appeal: (CV2012-000363)
Instruments/Minute Entries
Exhibits: None sent with e-Record
5. 10-Jul-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due

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Information presented in this document may not reflect all case activity and is subject to change without notice.

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6.	24-Jul-2023	RECEIPT No.: 2023-00669 ; \$280.00 Applied to: ZADOK ELI, et al. - Class A Filing Fee (\$280.00) Paid for: ZADOK ELI, et al. - By
7.	31-Jul-2023	FILED: Case Management Statement (Appellants Pro Per)
8.	31-Jul-2023	FILED: Appellate Clerk Notice re: Appellee's Fees; Appellant's Brief Due
9.	4-Aug-2023	FILED: Appellee Procaccianti AZ II, L.P.'s Notice of Payment of Filing Fee; Certificate of Service of Appellee Procaccianti AZ II, L.P.'s Notice of Payment of Filing Fee (Appellee Procaccianti)
10.	7-Aug-2023	FILED: Notice of Appellee's Filing Fee for Hilton Casitas Council of Homeowners; Certificate of Service (Appellee Hilton)
11.	9-Aug-2023	ORDERED: Procaccianti AZ II, L.P.'s Notice and Request to Add Procaccianti AZ II, L.P. as an Appellee (Intervenor) = GRANTED and adding Procaccianti AZ II, L.P. as an appellee to appeals 1 CA-CV 23-0424 and 1 CA-CV 23-0425. FURTHER ORDERED: Consolidating cases 1 CA-CV 23-0423, 1 CA-CV 23-0424, and 1 CA-CV 23-0425. Case no. 1 CA-CV 23-0423 is designated the primary number, and the above caption must be used on all future documents filed in this appeal. FURTHER ORDERED: The opening briefs are due on 09/08/2023. If the briefs are not timely filed, the court will dismiss this consolidated appeal. Hon David B Gass - Author
12.	9-Aug-2023	FILED: Appellants' ARCAP Rule 3(b) Motion to Suspend Appeals to Revest Jurisdiction in the Superior Court (Appellants Pro Per)
13.	10-Aug-2023	RECEIPT No.: 2023-00738 ; \$140.00, Authorization: # 22009013503, Applied to: PROCACCIANTI AZ II LP - Class B Filing Fee (\$140.00) Paid for: Spencer Fane LLP - By nCourt LLC
14.	11-Aug-2023	RECEIPT No.: 2023-00748 ; \$140.00, Authorization: #23007466362, Applied to: HILTON CASITAS CONSEL OF HOMEOWNERS - Class B Filing Fee (\$140.00) Paid for: Hill Hall & DeCancio PLC - By nCourt LLC
15.	16-Aug-2023	FILED: Appellee Procaccianti Az II, L.P.'s Response to Appellants' ARCAP Rule 3(B) Motion to Suspend Appeals to Revest Jurisdiction in the Superior Court; Certificate of Service of Appellee Procaccianti Az II, L.P.'s Response to Appellants' ARCAP Rule 3(B) Motion to Suspend Appeals to Revest Jurisdiction in the Superior Court (Appellee Procaccianti)
16.	16-Aug-2023	FILED: Hilton Casitas's [sic] Joinder in Procaccianti's Response to Plaintiff Homeowners' Rule 3(B) Motion and Hilton Casitas's [sic] Supplemental Response; Certificate of Service (Appellee Hilton)
17.	23-Aug-2023	FILED: Reply in Support of Appellants' ARCAP Rule 3(b) Motion to Suspend Appeals to Revest Jurisdiction in the Superior Court (Appellees)
18.	31-Aug-2023	ORDERED: Appellants' ARCAP Rule 3(b) Motion to Suspend Appeals to Revest Jurisdiction in the Superior Court (Appellants Pro Per) = GRANTED and, pursuant to Arizona Rule of Civil Appellate Procedure 3(b), staying this appeal until 10/16/2023. FURTHER ORDERED: The opening brief is due on 11/15/2023. Hon Randall M Howe - Author
19.	11-Oct-2023	FILED: Motion to Continue the Stay of this Appeal (Appellant Pro Per)
20.	13-Oct-2023	FILED: Appellee Procaccianti AZ II, L.P.'s Response to Appellants' Motion to Continue the Stay of Appeal; Appellee Procaccianti AZ II, L.P.'s Certificate of Service of Response to Appellants' Motion to Continue the Stay of Appeal (Appellee)
21.	13-Oct-2023	FILED: Motion to Continue the Stay of this Appeal to Allow the Superior Court to Consider Plaintiffs' Rule 59 Motion (Appellant Pro Per)
22.	16-Oct-2023	FILED: Reply in Support of the Motion to Continue the Stay of this Appeal to Allow the Superior Court to Consider Plaintiffs' Rule 59 Motion (Appellant Pro Per)
23.	17-Oct-2023	FILED: Appellee Procaccianti Az II, L.P.'s Response to Appellants' Motion to Continue the Stay of Appeal to Allow the Superior Court to Consider Plaintiffs' Rule 59 Motion; Appellee Procaccianti Az II, L.P.'s Certificate of Service of Response to Appellants' Motion to Continue the Stay of Appeal to Allow the Superior Court to Consider Plaintiffs' Rule 59 Motion (Appellee)
24.	18-Oct-2023	FILED: Reply in Support of Appellant/Plaintiffs' October 13, 2023 Motion to Continue the Stay of this Appeal to Allow the Superior Court to Consider Plaintiffs' Rule 59 Motion (Appellants Pro Per)
25.	23-Oct-2023	FILED: Notice of Ruling in the Superior Court (Appellant Pro Per)
26.	24-Oct-2023	FILED: Notice of Joinder in Procaccianti's Response to Plaintiffs' Motion to Continue Stay of Appeal Filed on 10/13/23; Certificate of Service (Appellee)
27.	27-Oct-2023	ORDERED: Motion to Continue the Stay of this Appeal (Appellant Pro Per) = DENIED as moot. FURTHER ORDERED: Motion to Continue the Stay of this Appeal to Allow the Superior Court to Consider Plaintiffs' Rule 59 Motion (Appellant Pro Per) = GRANTED and continuing the stay of this appeal until 11/28/2023. FURTHER ORDERED: The opening brief is due on 12/28/2023. Hon David B Gass - Author
28.	15-Nov-2023	FILED: Motion to Continue the Stay of This Appeal to Allow the Superior Court to Fully Consider Plaintiffs' Rule 59 Motion (Appellant Pro Per)

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29.	22-Nov-2023	FILED: Appellee Procaccianti AZ II, L.P.'s Response to Appellants' Motion to Continue the Stay of This Appeal to Allow the Superior Court to Fully Consider Plaintiffs' Rule 59 Motion; Appellee Procaccianti AZ II, L.P.'s Certificate of Service of Response to Appellants' Motion to Continue the Stay of This Appeal to Allow the Superior Court to Fully Consider Plaintiffs' Rule 59 Motion (Appellee)
30.	28-Nov-2023	ORDERED: Motion to Continue the Stay of This Appeal to Allow the Superior Court to Fully Consider Plaintiffs' Rule 59 Motion (Appellant Pro Per) = GRANTED and continuing the stay of this appeal until 12/28/2023, for the purposes set forth in this court's 10/27/2023 order. FURTHER ORDERED: The opening brief is due on 01/29/2024. Melina Brill ProTem Judge - Author
31.	15-Dec-2023	FILED: Motion to Continue the Stay of this Appeal to Allow the Superior Court to Fully Consider Plaintiffs' Rule 59 Motion (Appellant Pro Per)
32.	21-Dec-2023	FILED: Appellee Procaccianti Az II, L.P.'s Response to Appellants' Motion to Continue the Stay of This Appeal to Allow the Superior Court to Fully Consider Plaintiffs' Rule 59 Motion; Appellee Procaccianti Az II, L.P.'s Certificate of Service of Response to Appellants' Motion to Continue the Stay of Appeal to Allow the Superior Court to Fully Consider Plaintiffs' Rule 59 Motion (Appellee Procaccti)
33.	22-Dec-2023	FILED: Notice of Appellants' Abandonment of 1 CA CV 23-0424 and 1 CA-CV 23-0425 (Appellants Pro Per)
34.	22-Dec-2023	FILED: Notice of Ruling in the Superior Court (Appellants Pro Per)
35.	22-Dec-2023	FILED: Appellee Procaccianti AZ II, L.P.'s Notice of Superior Court Order and Request for The Court to Set a Briefing Schedule; Appellee Procaccianti AZ II, L.P.'s Certificate of Service of Notice of Superior Court Order and Request for The Court to Set a Briefing Schedule (Appellee Procaccianti)
36.	26-Dec-2023	FILED: Courtesy Copy - Maricopa County Superior Court Minute Entry dated 12/21/2023 (filed 12/22/2023) Re: Order denying Motion for New Trial and taking no action for lack of jurisdiction on other pending requests
37.	4-Jan-2024	ORDERED: Notice of Appellants' Abandonment of 1 CA CV 23-0424 and 1 CA-CV 23-0425 (Appellants Pro Per) = Deconsolidating appeals 1 CA-CV 23-0424 and 1 CA-CV 23-0425 from appeal 1 CA-CV 23-0423. FURTHER ORDERED amending the caption and docket in this appeal by removing appeals 1 CA-CV 23-0424 and 1 CA-CV 23-0425 and dismissing appellants R.L. Whitmer and Colleen London. The caption shown on this order shall be used on all future documents filed in this appeal. FURTHER ORDERED: Motion to Continue the Stay of this Appeal to Allow the Superior Court to Fully Consider Plaintiffs' Rule 59 Motion (Appellant Pro Per) = DENIED. The opening brief is due on 02/05/2024. If the brief is not timely filed, the court will dismiss this appeal. FURTHER ORDERED directing the clerk of this court to file this order in appeals 1 CA-CV 23-0424 and 1 CA-CV 23-0425. Melina Brill ProTem Judge - Author
38.	26-Jan-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
39.	5-Feb-2024	FILED: Appellant's Opening Brief (Appellants Pro Per)
40.	5-Feb-2024	FILED: Opening Brief Appendix (Appellants Pro Per)
41.	20-Feb-2024	FILED: Appellee Procaccianti AZ II, L.P.'s Answering Brief; Certificate of Compliance of Appellee Procaccianti AZ II, L.P.'s Answering Brief; Certificate of Service of Appellee Procaccianti AZ II, L.P.'s Answering Brief (Appellee Procaccianti)
42.	20-Feb-2024	FILED: Appendix to Appellee Procaccianti AZ II, L.P.'s Answering Brief; Certificate of Service of Appellee Procaccianti AZ II, L.P.'s Answering Brief (Appellee Procaccianti)
43.	4-Mar-2024	FILED: Hilton Casitas's Answering Brief; Certificate of Compliance for Hilton Casitas's Answering Brief; Certificate of Service for Hilton Casitas's Answering Brief (Appellee Hilton)
44.	6-Mar-2024	FILED: Motion for Procedural [sic] Order Allowing Appellants to File a Combined Reply Brief and Extending the Deadline for the Filing to March 29, 2024 (Appellants Pro Per)
45.	7-Mar-2024	ORDERED: Motion for Procedural [sic] Order Allowing Appellants to File a Combined Reply Brief and Extending the Deadline for the Filing to March 29, 2024 (Appellants Pro Per) = GRANTED and allowing appellants to file one reply brief to address both answering briefs. FURTHER ORDERED: The reply brief shall be due by 03/29/2024. 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
46.	25-Mar-2024	FILED: Appellants' Reply Brief (Appellant Pro Per)
47.	10-Apr-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
48.	26-Apr-2024	CLNDR: CONFERENCE, Department E, 6-13-24, COURTROOM 2.
49.	29-Apr-2024	FILED: Amended Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days