

# Court of Appeals, Division One

## Civil Appeal

# 1 CA-CV 23-0492

# MURTAGIAN, et al. v. ENTITY, et al.

### Appellate Case Information

Case Filed: 8-Aug-2023

Case Closed:

### Dept/Composition

### Side 1. GREGORIO R. MURTAGIAN, et al., Plaintiff/Appellant

(Litigant Group) GREGORIO R. MURTAGIAN, et al.

- Gregorio R Murtagian PRO SE
- Veronica L Ponce PRO SE

### Side 2. ENTITY CANYON, LLC, et al., Defendant/Appellee

(Litigant Group) ENTITY CANYON LLC, et al.

- Entity Canyon LLC
  - Secluded Canyon LLC
- Co-Counsel for: Defendants/Appellees**  
Daryl Manhart, Esq. (AZ Bar No. 5471)  
Laura Meyer, Esq. (AZ Bar No. 28755)  
Charles M Leftwich, Jr, Esq. (AZ Bar No. 18465)

### CASE STATUS

Apr 30, 2024....At Issue Review

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2020-090319	Quiet Title		Peter A Thompson, Authoring Judge of Order		

### PENDING MATTER

### Div 1 Request for Oral Argument

Filed: 30-Apr-2024

Appellants

### 53 PROCEEDING ENTRIES

1.	8-Aug-2023	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/10/23
2.	8-Aug-2023	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: See 1CA-CV23-0374
3.	9-Aug-2023	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4.	18-Aug-2023	FILED: Reporter's Transcript - 03/23/2022 - Bench Trial - Day One (Kimberly McCright) (Appellant Pro Per)
5.	18-Aug-2023	FILED: Reporter's Transcript - 03/24/2022 - Bench Trial - Day Two (Kimberly McCright) (Appellant Pro Per)
6.	25-Aug-2023	RECEIPT No.: 2023-00814 ; \$280.00, Authorization: #37007238443, Applied to: GREGORIO R. MURTAGIAN, et al. - Appellant's Filing Fee (\$280.00) Paid for: GREGORIO R. MURTAGIAN, et al. - By nCourt LLC
7.	25-Aug-2023	RECEIPT No.: 2023-00817 ; \$280.00, Authorization: #37007238443, Applied to: GREGORIO R. MURTAGIAN, et al. - Class A Filing Fee (\$280.00) Paid for: GREGORIO R. MURTAGIAN - By nCourt LLC (Memo: x-ref 2023-00814)
8.	25-Aug-2023	VOID RECEIPT No.: 2023-00814 - \$-280.00, Authorization: #37007238443, - Applied to: GREGORIO R. MURTAGIAN, et al. - Appellant's Filing Fee (\$-280.00) Paid for: GREGORIO R. MURTAGIAN, et al. - By: nCourt LLC VOID Reason: X-Ref: 2023-00817. incorrect paid for. ala
9.	28-Aug-2023	FILED: Motion to Supplement Record on Appeal with Defendants' Proposed Form of Judgment and Proposed Findings of Fact and Conclusions of Law (Per Minute Entry Filed May 24, 2022); Certificate of Service; Attachment 1 Defendants [sic] Proposed Form of Judgment; Attachment 2 Defendants [sic] Proposed Findings of Fact and Conclusions of Law (Per Minute Entry Filed May24 2022) (Appellants Pro Per)
10.	28-Aug-2023	FILED: Motion to Stay Judgment; Certificate of Service (Appellants Pro Per)
11.	28-Aug-2023	FILED: Reporter's Transcript - 03/24/2022 - Bench Trial - Day Two (Kimberly McCright) (Duplicate); Certificate of Service (Appellant Pro Per)

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12.	28-Aug-2023	FILED: Case Management Statement; Copy of Maricopa County Superior Court ME dated 07/06/2023 re: Motion for Relief from Judgment and to Vacate Judgment; Notice of Appeal (Courtesy Copy); Certificate of Service (Appellant Pro Per)
13.	28-Aug-2023	FILED: Reporter's Transcript - 03/23/2022 - Bench Trial - Day One (Kimberly McCright) (Duplicate); Certificate of Service (Appellant Pro Per)
14.	1-Sep-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
15.	14-Sep-2023	ORDERED: Motion to Stay Judgment (Appellants Pro Per) = DENIED. Hon David B Gass - Author
16.	14-Sep-2023	ORDERED: Pursuant to Arizona Rule of Civil Appellate Procedure 3(b), staying this appeal until 10/13/2023. FURTHER ORDERED: If the superior court has not ruled on the motion to supplement or correct the record by 10/13/2023, appellants must file a notice in this court regarding the status of the motion. FURTHER ORDERED: The opening brief is due on 11/13/2023. FURTHER ORDERED: Motion to Supplement Record on Appeal with Defendants' Proposed Form of Judgment and Proposed Findings of Fact and Conclusions of Law (Per Minute Entry Filed May 24, 2022) (Appellants Pro Per) = DENIED without prejudice to appellant filing a motion in the superior court to supplement or correct the record pursuant to ARCAP 11(g). Hon David B Gass - Author
17.	28-Sep-2023	FILED: Motion for Reconsideration of Order Dismissing Stay Judgment; Certificate of Compliance; Certificate of Service (Appellants Pro Per)
18.	3-Oct-2023	ORDERED: Motion for Reconsideration of Order Dismissing Stay Judgment (Appellants Pro Per) = DENIED. Hon David B Gass - Author
19.	16-Oct-2023	FILED: Notice Regarding Status Of Motion; Certificate of Service (Appellant)
20.	17-Oct-2023	ORDERED: Continuing stay of this appeal until 11/13/2023, for purposes set forth in this court's 09/14/2023 stay order. FURTHER ORDERED: Opening brief due on 12/13/2023. Melina Brill ProTem Judge - Author
21.	13-Nov-2023	FILED: Motion for Stay of Current Appeal Pending Resolution of Appeal Regarding Denial to Supplement or Correct the Record; Certificate of Service; Minute Entry (Maricopa County 10/25/2023) (Appellants Pro Per)
22.	14-Nov-2023	ORDERED: Motion for Stay of Current Appeal Pending Resolution of Appeal Regarding Denial to Supplement or Correct the Record (Appellants Pro Per) = DENIED. Appellants are reminded that the opening brief is due on 12/13/2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
23.	20-Nov-2023	FILED: Motion for Clarification; Certificate of Service (Appellants Pro Per)
24.	21-Nov-2023	ORDERED: Motion for Clarification (Appellants Pro Per) = DENIED. Melina Brill ProTem Judge - Author
25.	22-Nov-2023	FILED: Motion to Supplement or Correct the Record on Appeal; Certificate of Service; Attachments; Attachments (Appellants Pro Per)
26.	28-Nov-2023	FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 03/23/2022 List # 1 2 3 4 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 60 63 64 65 67 69 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 in a box
27.	29-Nov-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
28.	12-Dec-2023	ORDERED: Motion to Supplement or Correct the Record on Appeal (Appellants Pro Per) = DENIED. FURTHER ORDERED: Motion to Supplement or Correct the Record on Appeal (Appellants Pro Per) = GRANTED in part and allowing appellants to file all documents mentioned without any highlights or emphasis by 12/22/2023. The court does not express an opinion about the weight to be given to any of the documents. Hon David B Gass - Author
29.	13-Dec-2023	FILED: Appellate Brief of Plaintiffs/Appellants (Opening Brief); Certificate of Compliance; Certificate of Service (Appellant Pro Per)
30.	17-Dec-2023	FILED: Notice of Filing Documents to Supplement the Record on Appeal; Certificate of Service; Record from the Maricopa County Assessor's Office; Appellees' Proposed Findings of Fact and Conclusions of Law (Appellant Pro Per)
31.	10-Jan-2024	FILED: Appellee's Motion for Procedural Order (Extension for Answering Brief); Appellee's Motion for Procedural Order (Duplicate) (Certificate of Service) (Appellee)
32.	10-Jan-2024	ORDERED: Appellee's Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 01-22-2024 to Wednesday, 02-21-2024. 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
33.	16-Jan-2024	RECEIPT No.: 2024-00040 ; \$140.00, Authorization: 16012628875, Applied to: ENTITY CANYON LLC, et al. - Class B Filing Fee (\$140.00) Paid for: Martinet Law - By nCourt LLC

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34.	5-Feb-2024	FILED: Notice of Appearance as Co-Counsel; Certificate of Service (Appellee)
35.	19-Feb-2024	FILED: Appellee's Motion for Procedural Order (Extension for Answering Brief); Appellee's Motion for Procedural Order (Certificate of Service) (Appellee)
36.	20-Feb-2024	ORDERED: Appellee's Motion for Procedural Order (Extension for Answering Brief) (Appellee) = DENIED. Melina Brill ProTem Judge - Author
37.	20-Feb-2024	FILED: Appellants' Response in Opposition to Appellee's Motion for Procedural Order for Second Extension of Time to File Answering Brief; Certificate of Service (Appellants Pro Per)
38.	20-Feb-2024	FILED: Motion to Vacate/Reset Due Date for Answer Brief; Certificate of Service (Appellees)
39.	20-Feb-2024	FILED: Motion to (1) Disregard Appellants' Supplemental Record Documents, (2) Strike Parts of Opening Brief, and (3) Sanction Appellants; Certificate of Service (Appellees)
40.	20-Feb-2024	FILED: Motion to Dismiss Appeal for Lack of Jurisdiction; Certificate of Service (Appellees)
41.	20-Feb-2024	FILED: Amended Certificate of Service (Appellees)
42.	20-Feb-2024	ORDERED: Appellants' Response in Opposition to Appellee's Motion for Procedural Order for Second Extension of Time to File Answering Brief; Certificate of Service (Appellants Pro Per) = TAKING NO ACTION. Melina Brill ProTem Judge - Author
43.	20-Feb-2024	ORDERED: Motion to Vacate/Reset Due Date for Answer Brief (Appellees) = GRANTED and vacating the 02/21/2024 due date for the answering brief. The order ruling on the pending motion to dismiss and motion to disregard and strike will set a due date for the answering brief, if appropriate. Melina Brill ProTem Judge - Author
44.	28-Feb-2024	FILED: Appellants' Response in Opposition to Defendants-Appellees' Motion to Dismiss Appeal for Lack of Jurisdiction; Certificate of Service (Appellants Pro Per)
45.	28-Feb-2024	FILED: Appellants' Response in Opposition to Defendants-Appellees' Motion to Disregard Supplemental Record Documents and Strike Parts of Opening Brief; Certificate of Service (Appellants Pro Per)
46.	6-Mar-2024	FILED: Reply in Support of Motion to Dismiss Appeal for Lack of Jurisdiction; Certificate of Service (Appellees)
47.	6-Mar-2024	FILED: Reply in Support of Motion to (1) Disregard Appellants' Supplemental Record Documents, (2) Strike Parts of Opening Brief, and (3) Sanction Appellants; Certificate of Service (Appellees)
48.	7-Mar-2024	ORDERED: Motion to Dismiss Appeal for Lack of Jurisdiction (Appellees) = GRANTED in part as it pertains to the 07/11/2023 amended notice of appeal from the 10/2022 Rule 54(c) judgment. FURTHER ORDERED: Denying in part the motion to dismiss as it pertains to the 07/10/2023 notice of appeal from the ruling on the Rule 60(b) motion. FURTHER ORDERED: Motion to (1) Disregard Appellants' Supplemental Record Documents, (2) Strike Parts of Opening Brief, and (3) Sanction Appellants (Appellees) = DENIED without prejudice to appellees raising certain arguments (as noted above) in the answering brief. Hon David B Gass - Author
49.	8-Apr-2024	FILED: Substitution of Counsel; Certificate of Service (Appellee)
50.	8-Apr-2024	FILED: Appellee's Answering Brief; Certificate of Compliance (Duplicate); Certificate of Service (Appellee)
51.	8-Apr-2024	FILED: Certificate of Service (Duplicate) (Appellee)
52.	30-Apr-2024	FILED: Appellants [sic] Conditional Request for Oral Argument; Certificate of Service (Appellant)
53.	30-Apr-2024	FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant Pro Per)