

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0523

HBS v. US BANK/NATIONSTAR

Appellate Case Information

Case Filed: 17-Aug-2023

Case Closed: 1-May-2024

Dismissal

Dept/Composition

Department C

Hon. Paul J McMurdie
Hon. Maria Elena Cruz
Hon. Cynthia J Bailey

Side 1. HBS ENTERPRISES, INC., Plaintiff/Appellee

(Litigant Group) HBS ENTERPRISES, INC.

- HBS Enterprises Inc

Attorneys for: Plaintiff/Appellee

Mark W Horne, Esq. (AZ Bar No. 29449)

Casey C Dempsey, Esq. (AZ Bar No. 35458)

Side 2. US BANK TRUST, NA, Defendant/Appellant

(Litigant Group) US BANK TRUST, NA

- US Bank Trust NA

Attorneys for: Defendant/Appellant

Kevin P Nelson, Esq. (AZ Bar No. 23381)

Amy D Sells, Esq. (AZ Bar No. 24157)

Side 3. NATIONSTAR MORTGAGE, LLC, Defendant/Appellee

(Litigant Group) NATIONSTAR MORTGAGE, LLC

- Nationstar Mortgage LLC

Attorneys for: Defendant/Appellee Nationstar

Richard L Cobb, Esq. (AZ Bar No. 11427)

Joseph J Glenn, Esq. (AZ Bar No. 23228)

CASE STATUS

May 1, 2024.....Case Closed

PREDECESSOR CASE(S)

MAR CV2022-007830

Cause/Charge/Class

Declaratory Judgment

Judgment/Sentence

Judge, Role <Comments>

Randall H Warner,
Authoring Judge of Order

Trial

Dispo

CASE DECISION

15-Mar-2024 ORDER

ORDERED: Lifting the stay of this appeal. ORDERED:
Reversing the superior court's July 2023 judgment against U.S.
Bank and remanding the case for further proceedings.

Filed: 15-Mar-2024

Mandate:

Decision Disposition

Reversed
Remanded

Paul McMurdie.....Author

20 PROCEEDING ENTRIES

- 17-Aug-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/19/23
- 17-Aug-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: None
- 18-Aug-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 18-Aug-2023 FILED: Notice of Payment of Appellant's Filing Fee; Certificate of Service of: Notice of Payment of Appellant's Filing Fee (Appellant)
- 22-Aug-2023 FILED: Notice of Filing Transcript; Certificate of Service of: Notice of Filing Transcript (Appellant)
- 22-Aug-2023 FILED: Reporters Transcript - 4/28/2023 - Oral Argument (Deanne Ridge) (Appellant)
- 24-Aug-2023 RECEIPT No.: 2023-00809 ; \$280.00, Authorization: #36009179265, Applied to: US BANK TRUST, NA - Class A Filing Fee (\$280.00) Paid for: Kevin P Nelson - By nCourt LLC

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0523****HBS v. US BANK/NATIONSTAR****20 PROCEEDING ENTRIES**

8.	25-Aug-2023	FILED: Appellate Clerk Notice re: Appellee's Fees; Appellant's Brief/Case Management Statement Due
9.	7-Sep-2023	FILED: Case Management Statement; Copy of Maricopa County Superior Court Order dated 07/18/2023 re: Final Judgment (Appellant)
10.	17-Oct-2023	FILED: Opening Brief; Certificate of Compliance; Certificate of Service of: Opening Brief (Appellant)
11.	11-Dec-2023	ORDERED: Submitting this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
12.	12-Dec-2023	FILED: Appellant's Request for Oral Argument; Certificate of Service: Request for Oral Argument (Appellant)
13.	29-Dec-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
14.	5-Jan-2024	ORDERED: Appellant's Request for Oral Argument (Appellant) = DENIED.
15.	8-Jan-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
16.	26-Jan-2024	CLNDR: CONFERENCE, Department C, 3-6-24, COURTROOM 1.
17.	29-Jan-2024	ORDERED: Vacating the current conference scheduled for 03/06/2024. FURTHER ORDERED: Remanding this case to the superior court to determine counsel for Plaintiff/Appellee within 90 days of this order. FURTHER ORDERED: Counsel for Plaintiff/Appellee must file a notice of appearance with this Court within ten days of counsel's determination. Failure to appear and file a responsive brief may be seen as a confession of error. The answering brief, if any, must be filed within 40 days of the notice of appearance. FURTHER ORDERED: Staying the appeal for 150 days. The Court will calendar this case for conference once the stay expires. Hon Paul J McMurdie - Author
18.	13-Mar-2024	FILED: Copy of Maricopa county Superior Court ME dated 03/08/2024 re: returning this matter to the court of appeals
19.	15-Mar-2024	ORDERED: Lifting the stay of this appeal. ORDERED: Reversing the superior court's July 2023 judgment against U.S. Bank and remanding the case for further proceedings. Hon Paul J McMurdie - Author
20.	1-May-2024	FILED: Letter, 05/01/2024, Certified Copy of Order dismissing appeal. No physical record to be returned to clerk, Maricopa County Superior Court.