

Court of Appeals, Division One**Civil - Settlement Conference****1 CA-CV 23-0616 SC****O'BRIEN, et al. v. CENTERPOINTE, et al.****Appellate Case Information**

Case Filed: 4-Oct-2023

Case Closed: 19-Apr-2024

Dismissal

Dept/Composition**Side 1. PATRICK T. O'BRIEN and NANCY A. O'BRIEN, Trustees of the O'Brien Family Trusts dated June 15, 2011; and DARREN J. DE YOUNG and AMY C. DE YOUNG, husband and wife, Plaintiff/Appellant****(Litigant Group) PATRICK T. O'BRIEN, et al.**

- Patrick T O'Brien
- Darren J De Young
- Amy C De Young

(Litigant Group) NANCY A. O'BRIEN

- Nancy A O'Brien

Attorneys for: Plaintiffs/Appellants O' Brien et al

Tina M Ezzell, Esq. (AZ Bar No. 13825)

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

Side 2. CENTERPOINTE EAST COMMERCIAL CENTER OWNERS ASSOCIATION, an Arizona corporation; CP EAST, LLC, an Arizona limited liability company; DAVID EVERSON and JANE DOE EVERSON, husband and wife, Defendant/Appellee**(Litigant Group) CENTERPOINTE EAST COMMERCIAL CENTER OWNERS ASSOCIATION, et al.**

- Centerpointe East Commercial Center Owners Association
- David Everson
- Kristy Everson

Attorneys-Def/ Appellees Centerpointe/Everson

Gary Linder, Esq. (AZ Bar No. 20522)

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(Litigant Group) CP EAST, LLC (Count I and II only)

- CP East LLC

Attorneys-Def/ Appellee CP East (Count 1 and II)

Mark W Drutz, Esq. (AZ Bar No. 6772)

Jeffrey Gautreaux, Esq. (AZ Bar No. 28104)

(Litigant Group) CP EAST, LLC (Counts III, IV, V only)/CENTERPOINT EAST

- CP East LLC
- Centerpointe East Commercial Center Owners Association

Attys-Def/ Appellees CP East (III, IV, V)/Center

Paul L Roberts, Esq. (AZ Bar No. 6262)

Jerry P Carver, Esq. (AZ Bar No. 11820)

(Litigant Group) CP EAST, LLC (Counts III, IV, V only)/EVERSON

- CP East LLC
- David Everson
- Kristy Everson

Atts Defs/ Appellees CP East (III, IV, V) Everson

Peter C Kelly, II, Esq. (AZ Bar No. 14503)

CASE STATUS

Apr 19, 2024.....Case Closed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV	P1300CV201800972	Declaratory Judgment	Linda Wallace, Authoring Judge of Order		

CASE DECISION**19-Apr-2024 ORDER**

ORDERED: Stipulated Motion to Dismiss Appeal (Appellee) = GRANTED, lifting the stay, and dismissing this appeal. The parties shall bear their own costs and attorney fees.

Filed: 19-Apr-2024

Mandate:

Decision Disposition

Dismissed

Melina Brill.....Author

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1.	4-Oct-2023	FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 08/25/23
2.	4-Oct-2023	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3.	4-Oct-2023	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4.	4-Oct-2023	FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant Patrick O'Brien, et al.)
5.	4-Oct-2023	FILED: Notice of Filing Transcripts; Certificate of Service (Appellant Patrick O'Brien, et al.)
6.	4-Oct-2023	FILED: Reporter's Transcript - 04/28/2021 - Motion for Summary Judgment (Carol Dillon) (Appellant Patrick O'Brien, et al.)
7.	4-Oct-2023	FILED: Reporter's Transcript - 01/24/2023 - Motions for Summary Judgment (Carol Dillon) (Appellant Patrick O'Brien, et al.)
8.	5-Oct-2023	FILED: Notice of Association of Counsel; Certificate of Service (Appellee Centerpointe East, et al.)
9.	11-Oct-2023	RECEIPT No.: 2023-00951 ; \$140.00, Authorization: #84015977475, Applied to: CENTERPOINTE EAST COMMERCIAL CENTER OWNERS ASSOCIA - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By nCourt LLC
10.	11-Oct-2023	RECEIPT No.: 2023-00955 ; \$280.00, Authorization: #84015977476, Applied to: PATRICK T. O'BRIEN, et al. - Class A Filing Fee (\$280.00) Paid for: Tiffany & Bosco PA - By nCourt LLC
11.	13-Oct-2023	FILED: Notice of Substitution of Counsel; Certificate of Service (Appellant Nancy O'Brien)
12.	13-Oct-2023	FILED: Notice of Payment of Appellant Nancy A. O'Brien's Filing Fee; Certificate of Service (Appellant Nancy O'Brien)
13.	16-Oct-2023	FILED: Appellate Clerk Notice re: Appellee's Fee's Due; Appellant's Briefs/Case Management Statements Due
14.	17-Oct-2023	FILED: Notice of Payment of Defendant/Appellee CP East, LLC (Count I and II)'s Filing Fee; Certificate of Service and Filing (Appellee CP East LLC (Count I and II))
15.	19-Oct-2023	RECEIPT No.: 2023-00985 ; \$280.00, Authorization: #92006497238, Applied to: NANCY A. O'BRIEN - Class A Filing Fee (\$280.00) Paid for: Becke Law Firm PLLC - By nCourt LLC
16.	19-Oct-2023	FILED: Notice of Payment of Filing Fee by Defendant/Appellee CP East, LLC; Certificate of Service (Appellee CP East LLC (Count III, IV, and V)/Centerpoint East)
17.	19-Oct-2023	FILED: Notice of Payment of Defendants/Appellees CP East, LLC (Counts III, IV, and V); David Everson, and Kristy Everson's Filing Fee; Certificate of Service of Defendants/Appellees CP East, LLC (Counts III, IV, and V); David Everson, and Kristy Everson's Notice of Paying Filing Fee (Appellee CP East LLC (Count III, IV, and V)/Everson)
18.	23-Oct-2023	RECEIPT No.: 2023-00995 ; \$140.00, Authorization: #96011984741, Applied to: CP EAST, LLC (Count I and II only) - Class B Filing Fee (\$140.00) Paid for: Musgrove Drutz Kack & Gautreaux, PC - By nCourt LLC
19.	23-Oct-2023	FILED: Case Management Statement (Appellant Patrick O'Brien, et al.)
20.	25-Oct-2023	RECEIPT No.: 2023-01002 ; \$140.00, Authorization: # 98007480832, Applied to: CP EAST, LLC (Counts III, IV, V only)/EVERSON - Class B Filing Fee (\$140.00) Paid for: Holloway Odegard & Kelly PC - By nCourt LLC
21.	25-Oct-2023	RECEIPT No.: 2023-01004 ; \$140.00, Authorization: # 98007480832, Applied to: CP EAST, LLC (Counts III, IV, V only)/CENTERPOINT - Class B Filing Fee (\$140.00) Paid for: Roberts & Carver PLLC - By nCourt LLC
22.	26-Oct-2023	FILED: Amended Certificate of Service Re Notice of Payment of Defendant/Appellee CP East, LLC (Count I and II)'s Filing Fee (Appellee CP East LLC (Count I and II))
23.	4-Dec-2023	FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellants Patrick O'Brien and Nancy O'Brien)
24.	11-Dec-2023	FILED: Stipulated Motion to Stay Briefing Schedule; Certificate of Service (Appellees Centerpointe/Everson)
25.	12-Dec-2023	ORDERED: Stipulated Motion to Stay Briefing Schedule (Appellees Centerpointe/Everson) = GRANTED and vacating the 01/16/2024 due date for the answering brief. Melina Brill ProTem Judge - Author
26.	12-Dec-2023	ORDERED: Assigning this appeal to the settlement conference program. FURTHER ORDERED: Staying this appeal pending further order of the court. Melina Brill ProTem Judge - Author
27.	18-Dec-2023	ORDERED: Setting the telephonic assessment conference for 01/08/2024, at 10:00 a.m., with Judge Samuel A. Thumma (see order). Melina Brill ProTem Judge - Author
28.	12-Jan-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record

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29.	12-Jan-2024	(ORDERED:) The court will hold an in-person settlement conference on 2/20/24 at 1:00 pm. FURTHER ORDERED: Settlement conference statement due 02/12/2024. Hon Samuel A Thumma - Author
30.	21-Feb-2024	ORDERED: Continuing the stay of this appeal pending further order of the court. FURTHER ORDERED: Directing the parties to file a stipulated motion to dismiss this appeal by 03/21/2024, or a motion to continue the stay that demonstrates good cause for continuing the stay. If a stipulated motion to dismiss or a motion to continue the stay is not timely filed, the court will lift the stay and return this appeal to the court's regular docket. Hon Samuel A Thumma - Author
31.	21-Mar-2024	FILED: Stipulated Motion to Continue the Stay; Certificate of Service (Appellees Centerpointe/Everson)
32.	22-Mar-2024	ORDERED: Stipulated Motion to Continue the Stay (Appellees Centerpointe/Everson) = GRANTED and continuing the stay of this appeal pending further order of the court. FURTHER ORDERED: Directing the parties to file a stipulated motion to dismiss this appeal by 04/22/2024, or a motion to continue the stay that demonstrates good cause for continuing the stay. If a stipulated motion to dismiss or a motion to continue the stay is not timely filed, the court will lift the stay and return this appeal to the court's regular docket. Hon Samuel A Thumma - Author
33.	19-Apr-2024	FILED: Stipulated Motion to Dismiss Appeal; Certificate of Service (Appellees Centerpointe/Everson)
34.	19-Apr-2024	ORDERED: Stipulated Motion to Dismiss Appeal (Appellee) = GRANTED, lifting the stay, and dismissing this appeal. The parties shall bear their own costs and attorney fees. Melina Brill ProTem Judge - Author
35.	19-Apr-2024	FILED: Letter, 04/19/2024, Certified Copy of Order dismissing appeal. No physical record to be returned to clerk, Yavapai County Superior Court.