

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0647

FINCHEM, et al. v. FERNANDEZ

Appellate Case Information

Case Filed: 28-Oct-2022

Case Closed:

Dept/Composition

Department A

Hon. Randall M Howe
 Hon. Jennifer M Perkins
 Hon. Daniel J Kiley

Side 1. MARK FINCHEM; ANTHONY KERN; and PAUL GOSAR (each in their personal capacity), Plaintiff/Appellant

(Litigant Group) MARK FINCHEM; ANTHONY KERN; and PAUL GOSAR (each in their personal capacity)

- Mark Finchem
- Anthony Kern
- Paul Gosar

Co-Counsel for: Plaintiffs/Appellants

Bryan James Blehm, Esq. (AZ Bar No. 23891)
 Christopher A Viskovic, Esq. (AZ Bar No. 35860)
 Timothy A LaSota, Esq. (AZ Bar No. 20539)

Side 2. CHARLENE FERNANDEZ (in her personal capacity), Defendant/Appellee

(Litigant Group) CHARLENE FERNANDEZ (in her personal capacity)

- Charlene Fernandez

Co-Counsel for: Defendant/Appellee

David Jeremy Bodney, Esq. (AZ Bar No. 6065)
 Matthew E Kelley, Esq. (AZ Bar No. 37353)
 Kennison Lay, Esq. (AZ Bar No. 37098)

CASE STATUS

Oct 4, 2023.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YUM S1400CV202100146	Defamation		Levi Gunderson, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-23-0220-PR

CASE DECISION

10-Aug-2023 MEMORANDUM DECISION

Randall Howe.....Author
 Jennifer Perkins.....Concur
 Daniel Kiley.....Concur

Filed: **10-Aug-2023** Mandate:

Decision Disposition
Affirmed

32 PROCEEDING ENTRIES

1. 3-Oct-2022 FILED: Copy of Notice of Filing of Appeal filed in Yuma County Superior Court on 09/30/2022
2. 28-Oct-2022 FILED: Index of Record, Notice of Appeal from Yuma County Superior Court filed 09/28/22
3. 28-Oct-2022 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: Hearing Date 6/21/21 A, Hearing Date 8/27/21 A, B, C; Hearing Date 8/3/21 A; Hearing Date 9/13/21 1, 2 Hearing Date 2/18/22 A, B; Hearing Date 6/20/22 A
4. 28-Oct-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 14-Nov-2022 FILED: Notice of Appearance; Certificate of Service (Appellant)
6. 17-Nov-2022 FILED: Case Management Statement; Certificate of Service (Appellant)
7. 17-Nov-2022 RECEIPT No.: 2022-01177 ; \$280.00, Authorization: #21006384266, Applied to: MARK FINCHEM; ANTHONY KERN; and PAUL GOSAR (each i - Class A Filing Fee (\$280.00) Paid for: Broening Oberg Woods & Wilson PC - By nCourt LLC
8. 18-Nov-2022 FILED: Notice of Withdrawal of Counsel; Certificate of Service (Appellee)
9. 21-Nov-2022 FILED: Notice of Withdrawal of Counsel; Certificate of Service (Appellant)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 22-0647****FINCHEM, et al. v. FERNANDEZ****32 PROCEEDING ENTRIES**

10. 21-Nov-2022 FILED: Notice of Receipt of Complete Application; Certificate of Good Standing; Application for Appearance Pro Hac Vice; Letter from AZ State Bar Re Current Status (Appellant)
11. 28-Nov-2022 FILED: Notice of Withdrawal of Counsel; Certificate of Service (Appellant)
12. 29-Nov-2022 FILED: Motion for Procedural Order Extending Time to File Opening Brief; Certificate of Service (Appellant)
13. 30-Nov-2022 ORDERED: Motion for Procedural Order Extending Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 12-27-2022 to Tuesday, 01-10-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
14. 8-Dec-2022 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
15. 19-Dec-2022 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee)
16. 22-Dec-2022 RECEIPT No.: 2022-01278 ; \$140.00, Authorization: #56006447843, Applied to: CHARLENE FERNANDEZ (in her personal capacity) - Class B Filing Fee (\$140.00) Paid for: Ballard Spahr LLP - By nCourtLLC
17. 10-Jan-2023 FILED: Opening Brief of Plaintiffs/Appellants Mark Finchem, Anthony Kern and Paul Gosar; Certificate of Compliance; Certificate of Service (Appellant)
18. 27-Feb-2023 FILED: Appellee Charlene Fernandez's Answering Brief; Certificate of Compliance; Certificate of Service; Exhibit 1 (Appellee)
19. 27-Mar-2023 FILED: Reply Brief of Plaintiffs/Appellants Mark Finchem, Anthony Kern and Paul Gosar; Certificate of Compliance; Certificate of Service (Appellant)
20. 3-Apr-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21. 10-Apr-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
22. 30-May-2023 CLNDR: CONFERENCE, Department A, 7-5-23, CONFERENCE ROOM.
23. 10-Aug-2023 MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Jennifer M Perkins - Concur; Hon Daniel J Kiley - Concur
24. 10-Aug-2023 FILED: Memorandum Decision Distribution List
25. 22-Aug-2023 FILED: Appellee Charlene Fernandez's Itemized and Verified Statement of Attorneys' Fees and Costs; Certificate of Service; Declaration of David J. Bodney in Support of Appellee Charlene Fernandez's Itemized and Verified Statement of Attorneys' Fees and Costs (Appellee)
26. 28-Aug-2023 FILED: ASC Order filed 08/28/2023 re: extending time for filing Petition for Review to 10/02/2023
27. 29-Aug-2023 FILED: Motion to Substitute Counsel for Plaintiffs/Appellants; Certificate of Service (Appellants)
28. 31-Aug-2023 FILED: ASC Order filed 08/31/2023 re: granting Appellant's Motion to Substitute Counsel
29. 6-Sep-2023 ORDERED: Motion to Substitute Counsel for Plaintiffs/Appellants (Appellants) = New counsel will be recognized as counsel of record and no further action will be taken. Hon Randall M Howe - Author
30. 22-Sep-2023 ORDERED: Appellee Charlene Fernandez's Itemized And Verified Statement Of Attorneys' Fees and Costs (Appellee) = GRANTED and awarding appellee her costs in the amount of \$157.60 and attorneys' fees in the amount of \$40,000 for a total of \$40,157.60. Hon Randall M Howe - Author
31. 4-Oct-2023 FILED: Email Notice from ASC re: Petition for Review filed 10/02/2023; request for partial record
32. 4-Oct-2023 FILED: Letter forwarding partial record to Arizona Supreme Court