

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 22-0658**

**GYAU, et al. v. TOTAL TRANSIT, et al.**

**Appellate Case Information**

Case Filed: 4-Nov-2022  
Case Closed:

**Dept/Composition**

**Department D**  
Hon. Samuel A Thumma  
Hon. Jennifer B Campbell  
Hon. Michael J Brown

**Side 1. KWASI GYAU, et al., Plaintiff/Appellant/Cross-Appellee**

(Litigant Group) KWASI GYAU, et al.

- Kwasi Gyau
- Yvonne Gyau

**Attorneys for: Plaintiff/Appellant/Cross-Appellee**

Larry J Cohen, Esq. (AZ Bar No. 10192)

**Side 2. TOTAL TRANSIT, et al., Defendant/Appellee/Cross-Appellant**

(Litigant Group) TOTAL TRANSIT, et al.

- Total Transit
- Total Transit Inc
- Discount Cab
- Auto Claim Inc

**Attorneys for: Defendant/Appellee/Cross-Appellant**

John A Elardo, Esq. (AZ Bar No. 15043)  
Michael E Palumbo, Esq. (AZ Bar No. 17021)  
Nikos Povilaitis, Esq. (AZ Bar No. 38481)

**CASE STATUS**

Feb 14, 2024....Under Advisement

| PREDECESSOR CASE(S) | Cause/Charge/Class            | Judgment/Sentence | Judge, Role <Comments>                        | Trial | Dispo |
|---------------------|-------------------------------|-------------------|---|-------|-------|
| MAR CV2019-015593   | Bad Faith; Breach of Contract |                   | Bradley H Astrowsky, Authoring Judge of Order |       |       |

**CALENDAR**

| Day         | Event                          | Time | Duration     |
|-------------|--------------------------------|------|--------------|
| Wednesday   | MONTHLY COURT CASE CALENDAR    |      | <i>Mixed</i> |
| 14-Feb-2024 | Department D; COURTROOM 2      |      |              |
|             | 9:30 AM KWASI GYAU, et al..... |      | 20 mins.     |
|             | TOTAL TRANSIT, et al.....      |      | 20 mins.     |

**38 PROCEEDING ENTRIES**

|     |             |   |
|-----|-------------|---|
| 1.  | 4-Nov-2022  | FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 10/07/22   |
| 2.  | 4-Nov-2022  | FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None  |
| 3.  | 4-Nov-2022  | FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due   |
| 4.  | 4-Nov-2022  | FILED: Notice of Payment of Filing Fee; Certificate of Service Re Payment of Filing Fee (Appellant/Cross-Appellee)  |
| 5.  | 9-Nov-2022  | RECEIPT No.: 2022-01158 ; \$280.00, Authorization: #13008447647, Applied to: KWASI GYAU, et al. - Class A Filing Fee (\$280.00) Paid for: Cohen Law Firm - By nCourt LLC  |
| 6.  | 21-Nov-2022 | FILED: Appellate Clerk Notice Re: Cross Appellant's Fee and Case Management Statement Due/Cross Appellee's Brief Due  |
| 7.  | 23-Nov-2022 | RECEIPT No.: 2022-01191 ; \$280.00, Check Number: #29138, Applied to: TOTAL TRANSIT, et al. - Class A Filing Fee (\$280.00) Paid for: - By Elardo Bragg Rossi & Palumbo PC  |
| 8.  | 23-Nov-2022 | FILED: Case Management Statement (Appellee/Cross-Appellant)   |
| 9.  | 25-Nov-2022 | FILED: Case Management Statement (Appellant/Cross-Appellee)   |
| 10. | 29-Nov-2022 | ORDERED: Assigning this appeal to the settlement conference program. FURTHER ORDERED: Staying this appeal pending further order of the court and vacating the 01/03/2023 due date for opening brief. Melina Brill ProTem Judge - Author |
| 11. | 7-Dec-2022  | ORDERED: Setting a telephonic assessment conference for 12/14/22 at 10:30 am with Judge David B. Gass. FURTHER ORDERED: Counsel must be prepared to address the following questions (See Order). Melina Brill ProTem Judge - Author     |

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 22-0658****GYAU, et al. v. TOTAL TRANSIT, et al.****38 PROCEEDING ENTRIES**

12. 7-Dec-2022 ORDERED: Vacating the telephonic assessment conference scheduled for 12/14/2022, and resetting it for 01/09/2023, at 2:00 p.m. Melina Brill ProTem Judge - Author
13. 16-Dec-2022 ORDERED: Vacating the telephonic assessment conference for 01/09/2023, at 2:00p.m., and resetting it for 01/09/2023, at 10:00a.m. Hon David B Gass - Author
14. 9-Jan-2023 (ORDERED:) The court will hold an in-person settlement conference on 03/17/2023, at 10:00 a.m. FURTHER ORDERED: Settlement conference statement due by 02/10/2023. Hon David B Gass - Author
15. 20-Mar-2023 ORDERED: Vacating the in-person settlement conference set for 03/17/2023, and resetting it for an in-person settlement conference for 05/12/2023, at 10:00 a.m. Hon David B Gass - Author
16. 15-May-2023 ORDERED: Removing this appeal from the court's settlement conference program and lifting the stay of this appeal. FURTHER ORDERED: The opening brief shall be due on 06/12/2023. Hon David B Gass - Author
17. 5-Jun-2023 FILED: Motion to Extend to File Opening Brief; Certificate of Service (Appellant/Cross-Appellee)
18. 5-Jun-2023 ORDERED: Motion to Extend to File Opening Brief (Appellant/Cross-Appellee) = GRANTED. Due date EXTENDED from Monday, 06-12-2023 to Friday, 07-14-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
19. 13-Jul-2023 FILED: Reporter's Transcript - 05/20/2022 - Oral Argument (Jacob Ruleaux) (Appellant/Cross-Appellee)
20. 13-Jul-2023 FILED: Notice to Court Re: Conditions Effecting Compliance with Filing Deadline and Request for Relief if Needed; Certificate of Service (Appellant/Cross-Appellee)
21. 14-Jul-2023 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
22. 17-Jul-2023 FILED: Request for Oral Argument; Certificate of Service (Appellant)
23. 23-Aug-2023 FILED: Appellee's/Cross-Appellant's Answering Brief and Opening Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
24. 27-Sep-2023 FILED: Motion to Extend Time to File the Consolidated Reply/Answering Brief; Certificate of Service (Appellant/Cross-Appellee)
25. 28-Sep-2023 ORDERED: Motion to Extend Time to File the Consolidated Reply/Answering Brief (Appellant/Cross-Appellee) = GRANTED. Due date EXTENDED from Monday, 10-02-2023 to Thursday, 10-26-2023. 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
26. 26-Oct-2023 FILED: Request for Oral Argument on Cross-Appeal; Certificate of Service (Appellant)
27. 26-Oct-2023 FILED: Appellants/Cross-Appellees' Reply Brief and Answering Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
28. 27-Oct-2023 FILED: Notice of Errata; Certificate of Service (Appellant/Cross-Appellee)
29. 9-Nov-2023 FILED: Appellee's/Cross-Appellant's Reply Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
30. 28-Nov-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
31. 8-Dec-2023 ORDERED: Request for Oral Argument (Appellant) and Request for Oral Argument on Cross-Appeal (Appellant) = GRANTED. Hon Randall M Howe - Author
32. 8-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
33. 21-Dec-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 2-14-24, 09:30 am, COURTROOM 2.
34. 29-Dec-2023 FILED: Notice of Oral Argument
35. 19-Jan-2024 FILED: Appellee's/Cross-Appellant's Notice of Association of Counsel Within the Firm; Certificate of Service (Appellee/Cross-Appellant)
36. 19-Jan-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Nikos Povilaitis on 12/29/2023 (Appellee/Cross-Appellant)
37. 22-Jan-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Larry Cohen on 01/22/2024; Certificate of Service (Appellant/Cross-Appellee)
38. 14-Feb-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 02/14/2024