

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0745

BIG BELL v. TITLE ALLIANCE

Appellate Case Information

Case Filed: 16-Dec-2022

Case Closed: 23-Apr-2024

Reinstated x 1: 29-Apr-2024 **Decision**

Re-Closed: 11-Sep-2024

Dept/Composition

Department B

Hon. Michael J Brown
Hon. Andrew M Jacobs
Hon. Samuel A Thumma

Side 1. BIG BELL 21, LLC, Plaintiff/Appellant

(Litigant Group) BIG BELL 21, LLC

- Big Bell 21 LLC

Attorneys for: Plaintiff/Appellant

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

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

Side 2. TITLE ALLIANCE ELITE AGENCY, LLC, Defendant/Appellee

(Litigant Group) TITLE ALLIANCE ELITE AGENCY, LLC

- Title Alliance Elite Agency LLC

Attorneys for: Defendant/Appellee

Michael P Obert, Jr., Esq. (AZ Bar No. 22962)

CASE STATUS

Sep 11, 2024....Case Closed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2020-003480	Negligence		Mary Collins Cronin, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-24-0085-PR

CASE DECISION

09-Jan-2024 MEMORANDUM DECISION

Amended Per Orders Filed 1/9/24 and 4/1/24

Filed: **09-Jan-2024**

Mandate: **11-Sep-2024**

Michael Brown.....Author
Andrew Jacobs.....Concur
Samuel Thumma.....Concur

Decision Disposition
Affirmed

51 PROCEEDING ENTRIES

- 16-Dec-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/18/22
- 16-Dec-2022 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
- 19-Dec-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 4-Jan-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
- 9-Jan-2023 RECEIPT No.: 2023-00029 ; \$280.00, Authorization: #09005298206, Applied to: BIG BELL 21, LLC - Class A Filing Fee (\$280.00) Paid for: Tiffany & Bosco PA - By nCourt LLC
- 9-Jan-2023 FILED: Case Management Statement; Copy of Notice of Appeal filed in MAR County Superior Court on 11/18/2022 (Appellant)
- 20-Jan-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
- 26-Jan-2023 RECEIPT No.: 2023-00098 ; \$140.00, Check Number: 200829, Applied to: TITLE ALLIANCE ELITE AGENCY, LLC - Class B Filing Fee (\$140.00) Paid for: Lewis Brisbois Bisgaard & Smith LLP - By Lewis Brisbois Bisgaard & Smith LLP
- 9-Feb-2023 FILED: Motion for Procedural Order (Opening Brief); Certificate of Service (Appellant)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 22-0745****BIG BELL v. TITLE ALLIANCE****51 PROCEEDING ENTRIES**

10. 9-Feb-2023 FILED: Notice of Appearance of Counsel for Defendant Title Alliance Elite Agency, LLC; Title Alliance Elite Agency, LLC's Certificate of Service (Appellee)
11. 10-Feb-2023 ORDERED: Motion for Procedural Order (Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Friday, 02-17-2023 to Friday, 02-24-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
12. 24-Feb-2023 FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
13. 23-Mar-2023 FILED: Memorandum: Technical Issues Impacting Electronic Filing (A. Wood)
14. 23-Mar-2023 FILED: Appellee Title Alliance Elite Agency, LLC's Motion To Dismiss Appeal; Certificate of Service; Exhibits (Appellee)
15. 24-Mar-2023 ORDERED: Vacating the 04/05/2023 due date for the answering brief. The order ruling on the pending motion to dismiss will set a due date to file the answering brief, if the motion is denied. Melina Brill ProTem Judge - Author
16. 30-Mar-2023 FILED: Motion for Procedural Order; Certificate of Service (Appellant)
17. 3-Apr-2023 ORDERED: Motion for Procedural Order (motion for an extension of time to file a response to the motion to dismiss) (Appellant) = GRANTED. Due date EXTENDED from Thursday, 04-06-2023 to Thursday, 04-20-2023. Melina Brill ProTem Judge - Author
18. 20-Apr-2023 FILED: Response to Motion to Dismiss Appeal; Certificate of Service (Appellant)
19. 27-Apr-2023 FILED: Appellee Title Alliance Elite Agency's LLC's Reply to: Response to Motion to Dismiss Appeal; Certificate of Service (Appellee)
20. 3-May-2023 ORDERED: Appellee Title Alliance Elite Agency, LLC's Motion To Dismiss Appeal (Appellee) = DENIED. Nothing precludes the parties from raising any properly preserved arguments regarding estoppel in the briefs. FURTHER ORDERED: The answering brief is due on 06/05/2023. Hon Kent E Cattani - Author
21. 1-Jun-2023 FILED: Appellee Title Alliance Elite Agency, LLC's Motion for Procedural Order; Certificate of Service Appellee Title Alliance Elite Agency, LLC's Motion for Procedural Order (Appellee)
22. 5-Jun-2023 ORDERED: Appellee Title Alliance Elite Agency, LLC's Motion for Procedural Order (Appellee) = GRANTED. Due date (answering brief) EXTENDED from Monday, 06-05-2023 to Friday, 06-16-2023. 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
23. 16-Jun-2023 FILED: Answering Brief of Defendant/Appellee Title Alliance Elite Agency, LLC; Certificate of Compliance; Certificate of Service of Title Alliance Elite Agency, LLC's Answering Brief (Appellee)
24. 16-Jun-2023 FILED: Appendix to Answering Brief of Defendant/Appellee Title Alliance Elite Agency, LLC; Certificate of Service of Appendix to Title Alliance Elite Agency, LLC's Answering Brief (Appellee)
25. 7-Jul-2023 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
[see Notice of Errata (Including Corrected Reply Brief) filed 07/11/2023]
26. 10-Jul-2023 FILED: Appellee Title Alliance Elite Agency, LLC's Motion to Strike Untimely Reply Brief; Certificate of Service of Title Alliance Elite Agency, LLC's Motion to Strike Untimely Reply Brief (Appellee)
27. 11-Jul-2023 FILED: Notice of Errata re: Reply Brief; Certificate of Service (Appellant) (Includes corrected Reply Brief)
28. 11-Jul-2023 ORDERED: Denying the motion to strike. FURTHER ORDERED: Deferring consideration of this issue (argument raised for the first time in the reply brief) to the panel that considers this appeal on the merits. Barbara Vidal Vaught ProTem Judge - Author
29. 31-Jul-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
30. 10-Aug-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
31. 26-Aug-2023 CLNDR: CONFERENCE, Department B, 10-17-23, CONFERENCE ROOM.
32. 13-Oct-2023 FILED: Memorandum moving conference to 11/7/23 (Judge Brown)
33. 9-Jan-2024 ORDERED: Directing the Clerk of this court to amend, by interlineation, page 2 of the Memorandum Decision so that it includes the word "joined" after "Thumma." Hon Michael J Brown - Author
34. 9-Jan-2024 MEMORANDUM DECISION (Affirmed) Hon Michael J Brown - Author; Hon Andrew M Jacobs - Concur; Hon Samuel A Thumma - Concur
35. 9-Jan-2024 FILED: Decision Distribution Notification
36. 12-Jan-2024 FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant)

Court of Appeals, Division One

Civil Appeal

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BIG BELL v. TITLE ALLIANCE

51 PROCEEDING ENTRIES

37.	23-Jan-2024	FILED: Title Alliance Elite Agency, LLC's Application for Costs; Certificate of Service; Exhibit 1 (To Title Alliance Elite Agency, LLC's Application for Costs) (Appellee)
38.	26-Jan-2024	ORDERED: Defendant/Appellee may file a response to the motion for reconsideration on or before 02/12/2024. Hon Michael J Brown - Author
39.	9-Feb-2024	FILED: Appellee Title Alliance Elite Agency, LLC's Response to Appellant's Motion for Reconsideration; Order Inviting Response to Motion for Reconsideration; Certificate of Service of Appellee Title Alliance Elite Agency, LLC's Response to Appellant's Motion for Reconsideration (Appellee)
40.	1-Apr-2024	ORDERED: Motion for Reconsideration (Appellant) = DENIED. FURTHER ORDERED: The memorandum decision issued on 01/09/2024 shall be modified as explained below. FURTHER ORDERED: Directing the Clerk of this court to amend, by interlineation, the memorandum decision issued on 01/09/2024 by (see order). Hon Michael J Brown - Author
41.	3-Apr-2024	ORDERED: Title Alliance Elite Agency, LLC's Application for Costs (Appellee) = GRANTED in the amount of \$177.41. Hon Michael J Brown - Author
42.	8-Apr-2024	FILED: Appellee Title Alliance Elite Agency, LLC's Notice of Withdrawal of Counsel within Firm; Certificate of Service of Appellee Title Alliance Elite Agency, LLC's Notice of Withdrawal of Counsel within Firm (Appellee)
43.	23-Apr-2024	FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.
44.	26-Apr-2024	FILED: Motion to Rescind Civil Mandate Pending Decision from Arizona Supreme Court; Certificate of Service (Appellant)
45.	29-Apr-2024	ORDERED: Motion to Rescind Civil Mandate Pending Decision from Arizona Supreme Court (Appellant) = GRANTED and recalling the mandate issued on 04/23/2024. Hon Michael J Brown - Author
46.	1-May-2024	FILED: ASC Order extending the time to file a Petition for Review to 5/8/24
47.	2-May-2024	FILED: Email Notice from ASC re: Petition for Review filed 5/1/24; request for partial record
48.	3-May-2024	FILED: Letter forwarding partial record to Arizona Supreme Court
49.	23-Aug-2024	FILED: Letter from ASC, 8/23/24, re: Petition for Review DENIED on 8/20/24
50.	11-Sep-2024	FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.
51.	16-Sep-2024	RECEIPT No.: 2024-00929 ; \$177.41, Check Number: #202973, Applied to: TITLE ALLIANCE ELITE AGENCY, LLC - Overpayment X (\$177.41) Paid for: - By Lewis Brisbois Bisgaard & Smith LLP (Memo: Refund needed - Payment received in error)