

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0746

MARKHAM v. CAHAVA

Appellate Case Information

Case Filed: 16-Dec-2022

Case Closed:

Dept/Composition

Department F

Hon. Jennifer B Campbell
 Hon. Kent E Cattani
 Hon. Anni Hill Foster

Side 1. MARKHAM CONTRACTING CO., INC., Plaintiff/Appellant

(Litigant Group) MARKHAM CONTRACTING CO., INC.

- Markham Contracting Co Inc

Attorneys for: Plaintiff/Appellant

Karen A Palecek, Esq. (AZ Bar No. 11944)
 James J Palecek, Esq. (AZ Bar No. 15953)
 Thomas L Hudson, Esq. (AZ Bar No. 14485)
 Eric M Fraser, Esq. (AZ Bar No. 27241)
 John S. Bullock, Esq. (AZ Bar No. 34950)

Side 2. CAHAVA SPRINGS PHASE I, INC., Defendant/Appellee

(Litigant Group) CAHAVA SPRINGS PHASE I, INC.

- Cahava Springs Phase I Inc

Attorneys for: Defendant/Appellee

J Christopher Gooch, Esq. (AZ Bar No. 19101)
 Tyler Dixon Carlton, Esq. (AZ Bar No. 35275)
 Timothy J Berg, Esq. (AZ Bar No. 4170)

CASE STATUS

Oct 12, 2023.....Under Advisement

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---------------------|--------------------|-------------------|--|-------|-------|
| MAR CV2021-054458 | Breach of Contract | | Sara J Agne, Authoring Judge of Order | | |

PENDING MATTER

General Motion

* Defendants/Appellees' Motion for Judicial Notice (Appellee)

Filed: 2-Aug-2023

Scheduled: 18-Aug-2023

38 PROCEEDING ENTRIES

| | | |
|-----|-------------|---|
| 1. | 16-Dec-2022 | FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/18/22 |
| 2. | 16-Dec-2022 | FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None |
| 3. | 19-Dec-2022 | FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due |
| 4. | 27-Dec-2022 | FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant) |
| 5. | 27-Dec-2022 | FILED: Notice of Filing Transcript (Reporter's Transcript - 08/26/2022 - Oral Argument (Brenda Clark)); Certificate of Service (Appellant) |
| 6. | 30-Dec-2022 | RECEIPT No.: 2022-01314 ; \$280.00, Authorization: #64009504655, Applied to: MARKHAM CONTRACTING CO., INC. - Class A Filing Fee (\$280.00) Paid for: Palecek & Palecek PLLC - By nCourt LLC |
| 7. | 9-Jan-2023 | FILED: Notice of Appearance; Certificate of Service (Appellant) |
| 8. | 9-Jan-2023 | FILED: Case Management Statement (Appellant) |
| 9. | 13-Jan-2023 | FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due |
| 10. | 19-Jan-2023 | FILED: Notice of Payment of Filing Fee; Certificate of Service to Notice of Payment of Filing Fee (Appellee) |
| 11. | 25-Jan-2023 | RECEIPT No.: 2023-00089 ; \$140.00, Authorization: #25011867747, Applied to: CAHAVA SPRINGS PHASE I, INC. - Class B Filing Fee (\$140.00) Paid for: Fennemore Craig PC - By nCourt LLC |

Court of Appeals, Division One**Civil Appeal****1 CA-CV 22-0746****MARKHAM v. CAHAHA****38 PROCEEDING ENTRIES**

12. 2-Feb-2023 FILED: Unopposed Motion for Procedural Order Extending Time to File Opening Brief; Certificate of Service (Appellant)
13. 3-Feb-2023 ORDERED: Unopposed Motion for Procedural Order Extending Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 02-17-2023 to Monday, 03-20-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
14. 9-Mar-2023 FILED: Notice of Withdrawal of Counsel Within Firm; Certificate of Service (Appellant)
15. 20-Mar-2023 FILED: Request for Oral Argument; Certificate of Service (Appellant)
16. 20-Mar-2023 FILED: Appellant's Opening Brief and Appendix; Certificate of Compliance; Certificate of Service (Appellant)
17. 7-Apr-2023 FILED: Joint Motion for Procedural Order Extending Time to File Response Brief; Certificate of Service (Appellee)
18. 10-Apr-2023 ORDERED: Joint Motion for Procedural Order Extending Time to File Response Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 05-01-2023 to Friday, 05-26-2023. 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
19. 24-May-2023 FILED: Appellees' Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
20. 6-Jun-2023 FILED: Unopposed Motion for Procedural Order Extending Time to File Reply Brief; Certificate of Service (Appellant)
21. 6-Jun-2023 ORDERED: Unopposed Motion for Procedural Order Extending Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 06-13-2023 to Monday, 07-24-2023. 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
22. 18-Jul-2023 FILED: Unopposed Motion for Procedural Order to Exceed the Word Limit (Reply Brief); Certificate of Service (Appellant)
23. 19-Jul-2023 ORDERED: Unopposed Motion for Procedural Order to Exceed the Word Limit (Reply Brief) (Appellant) = GRANTED and allowing appellant to file a reply brief with up to 7,500 words. Hon David B Gass - Author
24. 24-Jul-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
25. 24-Jul-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
26. 31-Jul-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
27. 2-Aug-2023 FILED: Defendants/Appellees' Motion for Judicial Notice; Certificate of Service (Appellee)
28. 9-Aug-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
29. 11-Aug-2023 FILED: Plaintiff/Appellant's Response to Defendant/Appellees' Motion for Judicial Notice; Certificate of Service (Appellant)
30. 17-Aug-2023 FILED: Defendants/Appellees' Reply Brief in Support of Their Motion for Judicial Notice; Certificate of Service (Appellee)
31. 18-Aug-2023 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author
32. 18-Aug-2023 ORDERED: Deferring a ruling on the motion (Motion for Judicial Notice) to the panel that considers this appeal on the merits. Melina Brill ProTem Judge - Author
33. 26-Aug-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department F, 10-12-23, 09:30 am, COURTROOM 2.
34. 28-Aug-2023 FILED: Notice of Oral Argument
35. 29-Aug-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Timothy Berg on 08/28/2023 (Appellee)
36. 27-Sep-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Eric Fraser on 08/28/2023 (Appellant)
37. 10-Oct-2023 ORDERED: Oral argument in this matter will be held on 10/12/2023, at 9:30 a.m. before Department F in Courtroom 1. Hon Jennifer B Campbell - Author
38. 12-Oct-2023 FILED: Sign-in Sheet/Case is Under Advisement as of 10/12/2023