

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0051

TURNER, et al. v. TURNER, et al.

Appellate Case Information

Case Filed: 26-Jan-2023

Case Closed:

Dept/Composition

Department E

Hon. Anni Hill Foster
Hon. Brian Y Furuya
Hon. Randall M Howe

Side 1. MELISSA TURNER, et al., Plaintiff/Appellant/Appellee

(Litigant Group) MELISSA TURNER, et al.

- Melissa Turner
Kendall Goett
Samantha Goett

Attorneys for: Plaintiffs/Appellants/Appellees

Colin F Campbell, Esq. (AZ Bar No. 4955)
Travis Charles Hunt, Esq. (AZ Bar No. 35491)
Eric M Fraser, Esq. (AZ Bar No. 27241)
Andrew G. Pappas, Esq. (AZ Bar No. 34432)

Side 2. R. BRADFORD TURNER, et al., Defendant/Appellee/Appellant

(Litigant Group) R. BRADFORD TURNER, et al.

- R Bradford Turner
Elisin Turner
Roderick L. Turner Family Trust
Rodrick L Turner Qualified Personal Residence Trusts No. 1
Roderick L. Turner Qualified Personal Resident Trust No. 2
Roderick L Turner 2000 Family Trust
Turner Family Charitable Trust
RTMBKS Partners

Attorneys for: Defendants/Appellees/Appellants

William G Klain, Esq. (AZ Bar No. 15851)
Zachary W Rosenberg, Esq. (AZ Bar No. 33719)
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CASE STATUS

May 16, 2024....Under Advisement

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Rows include MAR CV2016-053209 and MAR CV2019-002568.

PENDING MATTER

General Motion

Filed: 20-Feb-2024

* Motion for Procedural Order to Strike Cross-Appellants Objections in Cross-Appeal Reply Brief (Appellants/Cross-Appellees)

65 PROCEEDING ENTRIES

- 1. 26-Jan-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 12/29/22 and 1/11/23
2. 26-Jan-2023 FILED: e-Record on Appeal: (CV2016-053209) Instruments/Minute Entries Exhibits: None sent with e-Record
3. 26-Jan-2023 FILED: Additional Record on Appeal: Physcial Exhibits: Hearing Date 11/01/2021 - LIST # 1 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 39 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 63 64 65 66 73 74 75 78 79 81 84 87 88 90 91 92 99 100 101 102 103 107 108 109 110 112 114 116 117 120 128 129 130 131 132 134 135 136 141 144 146 151 153 155 156 157 159 160 161 162 163 164 164.001 165 165.001 166 167 168 in a box
4. 30-Jan-2023 FILED: e-Record on Appeal: (CV2019-002568) Instruments/Minute Entries Exhibits: None sent with e-Record
5. 31-Jan-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due

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6. 9-Feb-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record [includes transcripts]
7. 10-Feb-2023 FILED: Notice of Appearance; Certificate of Service (Plaintiff-Appellant/Appellee)
8. 14-Feb-2023 RECEIPT No.: 2023-00159 ; \$280.00, Check Number: 14164, Applied to: R. BRADFORD TURNER, et al. - Class A Filing Fee (\$280.00) Paid for: Lang & Klain PC - By
9. 16-Feb-2023 RECEIPT No.: 2023-00164 ; \$280.00, Authorization: #47003983246, Applied to: MELISSA TURNER, et al. - Class A Filing Fee (\$280.00) Paid for: Osborn Maledon PA - By nCourt LLC
10. 21-Feb-2023 FILED: Case Management Statement (Plaintiff-Appellant/Appellee)
11. 21-Feb-2023 FILED: Appellants R. Bradford Turner and Elisin Turner's Case Management Statement; Certificate of Service (Defendant-Appellee/Appellant)
12. 22-Feb-2023 FILED: Appellate Clerk Notice Re: Cross Appellant's [sic] Fee and Case Management Statement Due/Appellant's Brief Due
13. 2-Mar-2023 FILED: Notice of Withdrawal of Counsel From Within a Firm; Certificate of Service (Plaintiff-Appellant/Appellee)
14. 10-Mar-2023 FILED: Unopposed Motion For Procedural Order Extending Time To File Opening Brief; Certificate of Service (Plaintiff-Appellant/Appellee)
15. 14-Mar-2023 ORDERED: Unopposed Motion For Procedural Order Extending Time To File Opening Brief (Plaintiff-Appellant/Appellee) = GRANTED. Due date EXTENDED from Monday, 04-03-2023 to Wednesday, 05-03-2023. If the brief is not timely filed, the court will dismiss this appeal. Barbara Vidal Vaught - Author
16. 24-Mar-2023 FILED: Appellees/Cross-Appellants R. Bradford Turner and Elisin Turner's Case Management Statement (Duplicate) (Defendant-Appellee/Appellant)
17. 14-Apr-2023 FILED: Unopposed Second Motion for Procedural Order Extending Time To File Opening Brief; Certificate of Service (Plaintiff-Appellant/Appellee)
18. 18-Apr-2023 ORDERED: Unopposed Second Motion for Procedural Order Extending Time To File Opening Brief (Plaintiff-Appellant/Appellee) = GRANTED. Due date EXTENDED from Wednesday, 05-03-2023 to Wednesday, 05-17-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
19. 2-May-2023 FILED: Notice of Appearance; Certificate of Service (Defendant-Appellee/Appellant)
20. 17-May-2023 FILED: Request for Oral Argument; Certificate of Service (Appellant/Cross-Appellee)
21. 17-May-2023 FILED: Plaintiff/Appellant/Cross-Appellee Melissa Turner's Opening Brief and Appendix; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
22. 6-Jun-2023 FILED: Unopposed Motion for Procedural Order Extending Time to File Response and Opening Cross-Appeal Brief; Certificate of Service (Appellee/Cross-Appellants)
23. 7-Jun-2023 ORDERED: Unopposed Motion for Procedural Order Extending Time to File Response and Opening Cross-Appeal Brief (Appellee/Cross Appellants) = GRANTED. Due date EXTENDED from Monday, 06-26-2023 to Wednesday, 07-26-2023. 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
24. 26-Jul-2023 FILED: Request for Oral Argument; Certificate of Service (Defendants/Appellees/Appellants)
25. 26-Jul-2023 FILED: Combined Response to Appellant's Opening Brief by Appellee R. Bradford Turner and Opening Cross-Appeal Brief by Cross-Appellants R. Bradford Turner and Elisin Turner; Certificate of Compliance; Certificate of Service (Defendants/Appellees/Appellants)
26. 18-Aug-2023 FILED: Stipulation for Procedural Order Regarding Re-allocation [sic] of Words and Extension of Word Limits in Parties' Combined Briefs; Certificate of Service (Plaintiffs/Appellants/Appellees)
27. 18-Aug-2023 FILED: Notice of Appearance; Certificate of Service (Appellant/Cross-Appellee)
28. 21-Aug-2023 ORDERED: Stipulation for Procedural Order Regarding Re-allocation [sic] of Words and Extension of Word Limits in Parties' Combined Briefs (Plaintiffs/Appellants/Appellees) = GRANTED and accepting the answering brief/cross-appeal opening brief filed on 07/26/2023. FURTHER ORDERED: The reply brief/cross-appeal answering brief, due 09/05/2023, may contain up to 27,600 words. Hon David B Gass - Author
29. 23-Aug-2023 FILED: Unopposed Motion for Procedural Order Extending Time to File Reply-Cross-Answering Brief; Certificate of Service (Appellant/Cross-Appellee)

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30. 24-Aug-2023 ORDERED: Unopposed Motion for Procedural Order Extending Time to File Reply-Cross-Answering Brief (Appellant) = GRANTED and extending the time to file the reply brief/cross-appeal answering brief from 09/05/2023 to 10/05/2023. 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
31. 15-Sep-2023 FILED: Plaintiff/Appellant/Cross-Appellee Melissa Turner's Partial Motion to Dismiss Cross-Appeal; Certificate of Service (Appellant/Cross-Appellee)
32. 19-Sep-2023 FILED: Plaintiff/Appellant/Cross-Appellees' Unopposed Motion for Procedural Order to Stay Briefing Schedule; Certificate of Service (Appellants/Cross-Appellees)
33. 20-Sep-2023 ORDERED: Plaintiff/Appellant/Cross-Appellees' Unopposed Motion for Procedural Order to Stay Briefing Schedule (Appellant/Cross-Appellee) = GRANTED. FURTHER ORDERED: Vacating the 10/05/2023 due date for the reply brief/cross-appeal answering brief. The order ruling on the pending motion to dismiss part of the cross-appeal will set a due date to file the reply brief/cross-appeal answering brief. Melina Brill ProTem Judge - Author
34. 28-Sep-2023 FILED: Unopposed Motion for Procedural Order Extending Time to File Response to Partial Motion to Dismiss Cross-Appeal; Certificate of Service (Appellees/Cross-Appellants)
35. 29-Sep-2023 ORDERED: Unopposed Motion for Procedural Order Extending Time to File Response to Partial Motion to Dismiss Cross-Appeal (Appellees/Cross-Appellants) = GRANTED. Due date EXTENDED from Friday, 09-29-2023 to Friday, 10-06-2023. Melina Brill ProTem Judge - Author
36. 6-Oct-2023 FILED: Brad Turner's Response to Melissa Turner's Partial Motion to Dismiss Cross-Appeal; Certificate of Service (Appellees/Cross-Appellants)
37. 9-Oct-2023 FILED: Unopposed Motion for Procedural Order for Extension of Time to File Reply; Certificate of Service (Appellants/Cross-Appellants)
38. 10-Oct-2023 ORDERED: Unopposed Motion for Procedural Order for Extension of Time to File Reply (Appellants/Cross-Appellees) = GRANTED. Due date (for reply in support of Partial Motion to Dismiss Cross-Appeal) EXTENDED from Monday, 10-16-2023 to Monday, 10-23-2023. Melina Brill ProTem Judge - Author
39. 23-Oct-2023 FILED: Plaintiff/Appellant/Cross-Appellee's Reply in Support of Partial Motion to Dismiss Cross-Appeal; Certificate of Service (Appellants/Cross-Appellees)
40. 26-Oct-2023 ORDERED: Plaintiff/Appellant/Cross-Appellee Melissa Turner's Partial Motion to Dismiss Cross-Appeal (Appellants/Cross-Appellees) = DENIED without prejudice to such arguments being raised in the cross-appeal answering brief. FURTHER ORDERED: The reply brief/cross-appeal answering brief is due on 12/04/2023. Hon Randall M Howe - Author
41. 21-Nov-2023 FILED: Motion for Procedural Order to Update Record, Include Transcript and Stay Briefing Schedule; Certificate of Service (Appellants/Cross-Appellees)
42. 28-Nov-2023 FILED: Notice of Change of Firm and Address; Certificate of Service (Appellees/Cross-Appellants)
43. 29-Nov-2023 FILED: Response to Appellant/Cross-Appellee's Motion for Procedural Order to Update Record, Include Additional Transcript, and Stay Briefing Schedule; Certificate of Service (Appellees/Cross-Appellants)
44. 29-Nov-2023 FILED: Reply in Support of Motion for Procedural Order to Update Record, Include Additional Transcript, and Stay Briefing Schedule; Certificate of Service (Appellants/Cross-Appellees)
45. 30-Nov-2023 ORDERED: Motion For Procedural Order To Update Record, Include Transcript and Stay Briefing Schedule (Appellants/Cross-Appellees) = DENYING the request for the superior court to update the index of record without prejudice to plaintiffs filing a new motion in the event any specific document is not included in the supplemental record after the appeal is at issue. FURTHER ORDERED: Granting the motion in part and allowing plaintiffs to file the transcript of the 9/6/23 hearing. FURTHER ORDERED: Extending the time to file the reply/cross-answering brief from 12/4/23 to 12/20/23. Hon David B Gass - Author
46. 6-Dec-2023 FILED: Notice of Filing Transcript; Certificate of Service (Appellant/Cross-Appellee)
47. 6-Dec-2023 FILED: Reporter's Transcript - 09/06/2023 - Oral Argument (Kimberly C. McCright) (Appellant/Cross-Appellee)
48. 20-Dec-2023 FILED: Plaintiff/Appellant/Cross-Appellees' Combined Reply Brief, Cross-Appeal Answering Brief, and Supplemental Appendix; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
49. 3-Jan-2024 FILED: Appellees/Cross-Appellants' Motion for Procedural Order to Extend the Deadline to Reply in Support of Opening Brief on Cross-Appeal; Certificate of Service (Appellees/Cross-Appellant)

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50. 3-Jan-2024 ORDERED: Appellees/Cross-Appellants' Motion for Procedural Order to Extend the Deadline to Reply in Support of Opening Brief on Cross-Appeal (Appellees/Cross-Appellant) = GRANTED. Due date EXTENDED from Tuesday, 01-09-2024 to Friday, 02-09-2024. 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
51. 8-Feb-2024 FILED: Cross-Appellants' Motion for Procedural Order to Increase the Word Limit for their Reply Brief on Cross-Appeal by 2,000 Words; Certificate of Service (Appellee/Cross-Appellant)
52. 9-Feb-2024 FILED: Cross-Appellants R. Bradford Turner and Elisin Turner's Objections to Issues Raised in Plaintiff/Appellant/Cross-Appellees' Reply Brief and Reply Brief in Support of Their Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellees/Cross-Appellants)
53. 20-Feb-2024 FILED: Motion for Procedural Order to Strike Cross-Appellants Objections in Cross-Appeal Reply Brief; Certificate of Service (Appellants/Cross-Appellees)
54. 23-Feb-2024 ORDERED: Cross-Appellants' Motion for Procedural Order to Increase the Word Limit for their Reply Brief on Cross-Appeal by 2,000 Words (Appellee/Cross-Appellant) = DENIED. Hon David B Gass - Author
55. 28-Feb-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
56. 5-Mar-2024 FILED: Appellee R. Bradford Turner's Response to Appellant Melissa Turner's Motion for a Procedural Order to Strike Cross-Appellants' Objections in Cross-Appeal Reply Brief and Cross-Motion for Procedural Order to File Sur-Reply to Melissa's Reply Brief on Appeal; Certificate of Service (Appellees/Cross-Appellants)
57. 6-Mar-2024 FILED: Reply in Support of Motion for Procedural Order to Strike Cross-Appellants' Objections in Cross-Appeal Reply Brief; Certificate of Service (Appellants/Cross-Appellees)
58. 7-Mar-2024 ORDERED: Deferring a ruling on the motion (Motion for Procedural Order to Strike Cross-Appellants Objections in Cross-Appeal Reply Brief) to the panel that considers this appeal on the merits. Melina Brill ProTem Judge - Author
59. 8-Mar-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
60. 13-Mar-2024 ORDERED: Request for Oral Argument (Appellants/Cross-Appellees) and Request for Oral Argument (Appellees/Cross-Appellants) = GRANTED. Hon David B Gass - Author
61. 26-Mar-2024 CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 5-16-24, 10:45 am, COURTROOM 2.
62. 27-Mar-2024 FILED: Notice of Oral Argument
63. 3-Apr-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Peter Swann on 03/27/2024 (Appellee/Cross-Appellant)
64. 2-May-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Andrew Pappas on 03/27/2024 (Appellant/Cross-Appellee)
65. 16-May-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 05/16/2024