

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0165

SKIPTON, et al. v. 9995759 ENTERPRISES, et al.

Appellate Case Information

Case Filed: 23-Mar-2023

Case Closed:

Dept/Composition

Department B

Hon. Michael J Brown
Hon. Andrew M Jacobs
Hon. Angela K Paton

Side 1. SKIPTON HOLDINGS, LLC, et al., Plaintiff/Appellant

(Litigant Group) SKIPTON HOLDINGS, LLC, et al.

- Skipton Holdings LLC
• Skipton & Associates Inc

Attorneys for: Plaintiff/Appellant

Lawrence R Moon, Esq. (AZ Bar No. 17000)
Michael N Poli, Esq. (AZ Bar No. 6431)

Side 2. 9995759 ENTERPRISES, LLC, et al., Defendant/Appellee

(Litigant Group) 9995759 ENTERPRISES, LLC, et al.

- 9995759 Enterprises LLC
• Brain Mind Health LLC
• Scott Hepburn
• Barbara Hepburn

Attorneys for: Defendant/Appellee

Steven R Beeghley, Esq. (AZ Bar No. 17123)
Michael J Harris, Esq. (AZ Bar No. 31489)

CASE STATUS

Aug 19, 2024....Pending Closure

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2020-012731, Breach of Contract, Dewain D Fox, Authoring Judge of Order.

Table with 2 columns: DESCENDENT CASE(S), Cause/Charge/Class. Row 1: ASC, CV-24-0057-PR.

OPEN DUE DATE

Stay Request (re: Writ of Certiorari) due

Due By: Tuesday, September 3, 2024

Re: FILED: Letter from ASC, 8/19/24, re: Petition for Review DENIED on 8/19/24. FURTHER ORDERED: Request for Attorneys' Fees GRANTED.

CASE DECISION

20-Feb-2024 MEMORANDUM DECISION

Angela Paton.....Author
Michael Brown.....Concur
Andrew Jacobs.....Concur

Filed: 20-Feb-2024

Mandate:

Decision Disposition

Affirmed

42 PROCEEDING ENTRIES

- 1. 23-Mar-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/22/23
2. 23-Mar-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 23-Mar-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 24-Mar-2023 FILED: Notice of Paying Filing Fee; Certificate of Service (Appellant)
5. 30-Mar-2023 RECEIPT No.: 2023-00306 ; \$280.00, Authorization: 89004043545, Applied to: SKIPTON HOLDINGS, LLC, et al. - Class A Filing Fee (\$280.00) Paid for: Poli Moon & Zane PLLC - By nCourt LLC
6. 3-Apr-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due

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7.	6-Apr-2023	FILED: Notice of Payment of Filing Fees; Certificate of Service (Appellee)
8.	11-Apr-2023	FILED: Notice of Ordering Transcript; Certificate of Service (Appellant)
9.	12-Apr-2023	RECEIPT No.: 2023-00350 ; \$140.00, Authorization: #02012260812, Applied to: 9995759 ENTERPRISES, LLC, et al. - Class B Filing Fee (\$140.00) Paid for: Sacks Tierney PA - By nCourt LLC
10.	12-Apr-2023	FILED: Case Management Statement (Appellant)
11.	3-May-2023	FILED: Notice of Filing Transcript; Certificate of Service (Appellant)
12.	3-May-2023	FILED: Reporter's Transcript - 10/07/2022 - Oral Argument (Melissa Key) (Appellant)
13.	15-May-2023	FILED: Appellants' Unopposed Motion Extending Time to File Opening Brief (First Request); Certificate of Service (Appellant)
14.	16-May-2023	ORDERED: Appellants' Unopposed Motion Extending Time to File Opening Brief (First Request) (Appellant) = GRANTED. Due date EXTENDED from Monday, 05-22-2023 to Wednesday, 06-21-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
15.	16-Jun-2023	FILED: Appellants' Opposed Motion for Order Extending Time to File Opening Brief (Second Request); Certificate of Service (Appellant)
16.	19-Jun-2023	ORDERED: Appellants' Opposed Motion for Order Extending Time to File Opening Brief (Second Request) (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 06-21-2023 to Wednesday, 07-05-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
17.	5-Jul-2023	FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
18.	5-Jul-2023	FILED: Appellant's Appendix (Appellant)
19.	14-Aug-2023	FILED: Appellees' Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
20.	14-Aug-2023	FILED: Appendix To Appellees' Answering Brief (Appellee)
21.	31-Aug-2023	FILED: Appellant's Opposed Motion for Order Extending Time to File Reply Brief (First Request); Certificate of Service (Appellant)
22.	1-Sep-2023	FILED: Objection to Appellants' Opposed Motion for Order Extending Time to File Reply Brief; Certificate of Service (Appellee)
23.	1-Sep-2023	ORDERED: Appellant's Opposed Motion for Order Extending Time to File Reply Brief (First Request) (Appellant) = GRANTED in part. Due date EXTENDED from Tuesday, 09-05-2023 to Monday, 09-25-2023. 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
24.	19-Sep-2023	FILED: Request for Oral Argument; Certificate of Service (Appellant)
25.	25-Sep-2023	FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
26.	13-Oct-2023	ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author
27.	25-Oct-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 12-19-23, 09:30 am, COURTROOM 1. [Vacated per order filed 11/22/2023]
28.	30-Oct-2023	FILED: Notice of Oral Argument
29.	14-Nov-2023	FILED: Plaintiffs'/Appellants' Unopposed Motion for Procedural Order Rescheduling Oral Argument; Certificate of Service (Appellants)
30.	22-Nov-2023	ORDERED: Plaintiffs'/Appellants' Unopposed Motion for Procedural Order Rescheduling Oral Argument (Appellant) = Vacating the oral argument set for 12/19/2023, at 9:30 a.m. FURTHER ORDERED: Setting oral argument in this matter Wednesday, 01/17, at 9:30 a.m. in Courtroom 2, State Courts Building (see order). Hon Michael J Brown - Author
31.	27-Nov-2023	FILED: Notice of Oral Argument
32.	28-Nov-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Michael Harris on 11/27/2023 (Appellee)
33.	16-Jan-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Michael Poli on 01/16/2024 (Appellant)
34.	19-Jan-2024	FILED: Sign-in Sheet/Case is Under Advisement as of 01/17/2024
35.	20-Feb-2024	MEMORANDUM DECISION (Affirmed) Hon Angela K Paton - Author; Hon Michael J Brown - Concur; Hon Andrew M Jacobs - Concur

**Court of Appeals, Division One**

**Civil Appeal**

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**42 PROCEEDING ENTRIES**

- 36. 20-Feb-2024 FILED: Decision Distribution Notification
- 37. 5-Mar-2024 FILED: Statement of Attorneys' Fees and Costs; Certificate of Service (Appellee)
- 38. 25-Mar-2024 FILED: ASC Order filed 03/25/2024 re: extending time for filing Petition for Review to 03/28/2024
- 39. 1-Apr-2024 FILED: Email Notice from ASC re: Petition for Review filed 3/28/24; request for partial record
- 40. 1-Apr-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
- 41. 8-Apr-2024 ORDERED: Statement of Attorneys' Fees and Costs (Appellee) = GRANTED and awarding Defendants/Appellees 9995759 Enterprises, LLC, Brain Mind Health, LLC, Scott Hepburn and Barbara Hepburn attorneys' fees in the amount of \$33,667.00 and costs in the amount of \$189.43 for a total award of \$33,856.43. Hon Angela K Paton - Author
- 42. 19-Aug-2024 FILED: Letter from ASC, 8/19/24, re: Petition for Review DENIED on 8/19/24. FURTHER ORDERED: Request for Attorneys' Fees GRANTED.