

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0195

HIGH DESERT, et al. v. CEC 141202761

Appellate Case Information

Case Filed: 6-Apr-2023

Case Closed:

Dept/Composition

Department B

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

Side 1. HIGH DESERT HEALING, LLC, et al., Plaintiff/Appellee

(Litigant Group) HIGH DESERT HEALING, LLC, et al.

- High Desert Healing LLC
Harvest Dispensaries, Cultivations & Productions Facilities
Harvest Health & Recreation Inc

Co-Counsel for: Plaintiffs/Appellees

Paul A Conant, Esq. (AZ Bar No. 12667)
Melissa A Emmel, Esq. (AZ Bar No. 23195)
Eric M Fraser, Esq. (AZ Bar No. 27241)
John S. Bullock, Esq. (AZ Bar No. 34950)

Side 2. CEC 141202761, LLC, Defendant/Appellant

(Litigant Group) CEC 141202761, LLC

- CEC 141202761 LLC

Attorneys for: Defendant/Appellant

David L Abney, Esq. (AZ Bar No. 9001)

CASE STATUS

Aug 14, 2024....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Includes rows for MAR CV2021-016161 and MAR CV2021-053708.

DESCENDENT CASE(S)

ASC CV-24-0185-PR

CASE DECISION

29-Feb-2024 MEMORANDUM DECISION

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

Filed: 29-Feb-2024 Mandate:

Decision Disposition

Affirmed

45 PROCEEDING ENTRIES

- 1. 6-Apr-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 03/08/23
2. 6-Apr-2023 FILED: e-Record on Appeal: (CV2021-016161) Instruments/Minute Entries Exhibits: Hearing Date 5/2/22 3, 10, 16, 20, 25, 29, 42, 52, 53, 55, 56, 57, 58, 59, 61, 64, 66, 67, 68, 69, 70, 71, 80, 82, 88, 90, 91, 93, 101, 102, 122, 123, 124, 153, 154, 193, 199, 200, 202, 208, 219, 233, 236, 239, 240, 246, 249, 250, 251, 252, 254, 259, 263
3. 6-Apr-2023 FILED: e-Record on Appeal: (CV2021-053708) Instruments/Minute Entries Exhibits: None
4. 6-Apr-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 20-Apr-2023 FILED: Motion for Oral Argument; Certificate of Service for Motion for Oral Argument (Appellant)
6. 20-Apr-2023 FILED: Case Management Statement (Appellant)
7. 26-Apr-2023 RECEIPT No.: 2023-00388 ; \$280.00, Authorization: #16004758457, Applied to: CEC 141202761, LLC - Class A Filing Fee (\$280.00) Paid for: David L Abney - By nCourt LLC

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0195****HIGH DESERT, et al. v. CEC 141202761****45 PROCEEDING ENTRIES**

8. 28-Apr-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
9. 2-May-2023 FILED: Appelles' [sic] Notice of Payment of Filing Fee; Appelles' [sic] Notice of Payment of Filing Fee (Certificate of Service) (Appellee)
10. 8-May-2023 RECEIPT No.: 2023-00422 ; \$140.00, Authorization: #28010882195, Applied to: HIGH DESERT HEALING, LLC, et al. - Class B Filing Fee (\$140.00) Paid for: Paul A Conant - By nCourt LLC
11. 10-May-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
12. 5-Jun-2023 FILED: Opening Brief; Certificate of Compliance for Opening Brief; Certificate of Service for Opening Brief (Appellant)
13. 6-Jul-2023 FILED: Unopposed Motion For Procedural Order Extending Time to File Answering Brief; Certificate of Service (Appellee)
14. 6-Jul-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
15. 6-Jul-2023 ORDERED: Unopposed Motion For Procedural Order Extending Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 07-17-2023 to Wednesday, 08-16-2023. If brief not timely filed, the court will submit this appeal on the record and the opening brief. Barbara Vidal Vaught ProTem Judge - Author
16. 15-Aug-2023 FILED: Request for Oral Argument; Certificate of Service (Appellee)
17. 15-Aug-2023 FILED: Plaintiffs/Appellees' Answering Brief and Appendix; Certificate of Compliance; Certificate of Service (Appellee)
18. 5-Sep-2023 FILED: Reply Brief; Certificate of Compliance for Reply Brief; Certificate of Service for Reply Brief (Appellant)
19. 22-Sep-2023 ORDERED: Motion for Oral Argument (Appellant) And Request for Oral Argument (Appellee) = GRANTED. Hon David B Gass - Author
20. 27-Sep-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21. 6-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
22. 25-Oct-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 12-19-23, 10:15 am, COURTROOM 1.
23. 30-Oct-2023 FILED: Notice of Oral Argument
24. 6-Dec-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Eric Fraser on 10/30/2023 (Appellee)
25. 18-Dec-2023 FILED: Return Receipt for Notice of Oral Argument, signed by David Abney on 10/30/2023 (Appellant)
26. 19-Dec-2023 FILED: Sign-in Sheet/Case is Under Advisement as of 12/19/2023
27. 20-Dec-2023 FILED: Motion for Procedural Order to Strike Transcripts; Certificate of Service (Appellee)
28. 20-Dec-2023 FILED: Reporter's Transcript - 05/02/2022 - Bench Trial (Michele Kaley) (Appellant)
[stricken per order filed 02/29/2024]
29. 20-Dec-2023 FILED: Reporter's Transcript - 05/03/2022 - Bench Trial (Michele Kaley) (Appellant)
[stricken per order filed 02/29/2024]
30. 20-Dec-2023 FILED: Reporter's Transcript - 05/04/2022 - Bench Trial (Michele Kaley) (Appellant)
[stricken per order filed 02/29/2024]
31. 20-Dec-2023 FILED: Reporter's Transcript - 05/05/2022 - Bench Trial (Michele Kaley) (Appellant)
[stricken per order filed 02/29/2024]
32. 5-Jan-2024 FILED: Response to Motion for Procedural Order to Strike Transcripts; Certificate of Service for Response to Procedural Order to Strike Transcripts (Appellant)
33. 8-Jan-2024 FILED: Reply in Support of Motion for Procedural Order to Strike Transcripts; Certificate of Service (Appellee)
34. 29-Feb-2024 ORDERED: Motion for Procedural Order to Strike Transcripts (Appellee) = GRANTED. FURTHER ORDERED: Directing the clerk of this court to remove the trial transcripts from the record on appeal. Hon Michael J Brown - Author
35. 29-Feb-2024 MEMORANDUM DECISION (Affirmed) Hon Michael J Brown - Author; Hon Andrew M Jacobs - Concur; Hon Angela K Paton - Concur

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Civil Appeal

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45 PROCEEDING ENTRIES

36. 29-Feb-2024 FILED: Decision Distribution Notification
37. 14-Mar-2024 FILED: Application for Attorneys' Fees; Certificate of Service (Appellees)
38. 14-Mar-2024 FILED: Statement of Costs; Certificate of Service (Appellees)
39. 15-Mar-2024 FILED: Motion for Reconsideration; Certificate of Compliance for Motion for Reconsideration; Certificate of Service for Motion for Reconsideration (Appellant)
40. 28-Mar-2024 FILED: Response to Application for Attorney's Fees; Certificate of Service for Response to Application for Attorney's Fees (Appellant)
41. 4-Apr-2024 FILED: Reply to Application for Attorneys' Fees; Certificate of Service (Appellees)
42. 26-Jul-2024 ORDERED: Motion for Reconsideration (Appellant) = DENIED. Hon Michael J Brown - Author
43. 26-Jul-2024 ORDERED: Application for Attorneys' Fees (Appellees) = GRANTED in the amount of \$55,448.91 and costs in the amount of \$260.08. Hon Michael J Brown - Author
44. 14-Aug-2024 FILED: Email Notice from ASC re: Petition for Review filed 08/12/2024; request for partial record
45. 15-Aug-2024 FILED: Letter forwarding partial record to Arizona Supreme Court