

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0202

FURST v. MAYNE, et al.

Appellate Case Information

Case Filed: 11-Apr-2023

Case Closed:

Dept/Composition

Side 1. ROBERT G. FURST, Plaintiff/Appellee/Cross-Appellant

(Litigant Group) ROBERT G. FURST

- Mr Robert G Furst
AZ Bar No. 7689
[Current Member]
Admitted 5/14/83

Attorneys for: Plaintiff/Appellee/Cross-Appellant

Todd Feltus, Esq. (AZ Bar No. 19076)
Daniel P Crane, Esq. (AZ Bar No. 30623)

Side 2. LINDA MAYNE, et al., Defendant/Appellant/Cross-Appellee

(Litigant Group) LINDA MAYNE, et al.

- Linda Mayne
Stephen Mayne

Attys for: Defendants/Appellants/Cross-Appellees

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

CASE STATUS

Jun 3, 2024.....At Issue

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR CV2020-002498, Breach of Fiduciary Duty, M Scott McCoy, Authoring Judge of Order.

2 PENDING MATTERS

Div 1 Request for Oral Argument

Filed: 14-May-2024

Appellee's Request for Oral Argument (Appellee/Cross-Appellant)

General Motion

Filed: 7-Jun-2024

\* Motion to Strike Portions of Appellant's Reply Memorandum or, in the Alternative, Motion for Leave to File Sur-Reply (Appellee/Cross-Appellant)

Scheduled: 12-Jul-2024

44 PROCEEDING ENTRIES

- 1. 3-Apr-2023 FILED: Notice of Cross-Appeal filed in Maricopa County Superior Court
2. 11-Apr-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 03/13/23
3. 11-Apr-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None sent with e-Record
4. 11-Apr-2023 FILED: Additional Record on Appeal: Physical Exhibits: Hearing Date 05/09/2022 - List # 1 3 5 6 7 8 11 13 14 16 19 20 21 28 29 31 33 34 35 38 41 43 48 49 50 52 53 54 58 60 62 63 75 76 77 78 79 80 82 83 87 88 89 90 91 94 95 99 100 103 105 106 107 109 110 111 117 118 119 120 121 130 131 132 133 134 136 141 142 143 144 145 147 148 150 151 153 in a box
5. 11-Apr-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
6. 25-Apr-2023 FILED: Reporter's Transcript - 05/09/2022 - Bench Trial (Michele Kaley); Reporter's Transcript - 05/10/2022 - Bench Trial (Michele Kaley); Reporter's Transcript - 05/11/2022 - Bench Trial (Michele Kaley); Reporter's Transcript - 05/12/2022 - Bench Trial (Michele Kaley) (Appellant)
7. 1-May-2023 RECEIPT No.: 2023-00400 ; \$280.00, Authorization: #21014216795, Applied to: LINDA MAYNE, et al. - Class A Filing Fee (\$280.00) Paid for: Taylor C Young - By nCourt LLC
8. 3-May-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
9. 15-May-2023 FILED: Appellees' Notice of Paying Filing Fee; Certificate of Service (Appellee)
10. 17-May-2023 ORDERED: The case management statement must be filed by 05/30/2023. The opening brief remains due on 06/12/2023. If the statement and brief are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author

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11. 19-May-2023 RECEIPT No.: 2023-00454 ; \$140.00, Authorization: 39004748050, Applied to: ROBERT G. FURST - Class B Filing Fee (\$140.00) Paid for: Lewis Roca Rothgerber Christie LLP - By nCourt LLC
12. 30-May-2023 FILED: Case Management Statement (Appellant)
13. 8-Jun-2023 FILED: Motion for Procedural Order Extending Time to File Opening Brief (First Request); Certificate of Service (Appellants)
14. 8-Jun-2023 ORDERED: Motion for Procedural Order Extending Time to File Opening Brief (First Request) (Appellants) = GRANTED. Due date EXTENDED from Monday, 06-12-2023 to Wednesday, 07-12-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
15. 10-Jul-2023 FILED: Motion for Procedural Order Extending Time to File Opening Brief (Second Request); Certificate of Service (Appellants)
16. 10-Jul-2023 ORDERED: Motion for Procedural Order Extending Time to File Opening Brief (Second Request) (Appellants) = GRANTED. Due date EXTENDED from Wednesday, 07-12-2023 to Friday, 08-11-2023. If the brief is not timely filed, the court will dismiss this appeal. Barbara Vidal Vaught ProTem Judge - Author
17. 8-Aug-2023 FILED: Motion for Procedural Order Extending Time to File Opening Brief (Third Request); Certificate of Service (Appellant)
18. 8-Aug-2023 ORDERED: Motion for Procedural Order Extending Time to File Opening Brief (Third Request) (Appellant) = GRANTED and extending the time to file the opening brief from 08/11/2023 to 08/28/2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
19. 28-Aug-2023 FILED: Motion to Withdraw and For Temporary Stay of Briefing Schedule; Certificate of Service (Appellant)
20. 28-Aug-2023 ORDERED: Motion to Withdraw and for Temporary Stay of Briefing Schedule (Appellant) = DENIED in its present form. Melina Brill ProTem Judge - Author
21. 28-Aug-2023 FILED: Amended Motion to Withdraw and for Temporary Stay of Briefing Schedule; Certificate of Service (Appellant)
22. 28-Aug-2023 ORDERED: Vacating the 08/28/2023 due date for the opening brief. The order ruling on the pending motion to withdraw will set a due date to file the opening brief. Melina Brill ProTem Judge - Author
23. 13-Sep-2023 ORDERED: Amended Motion to Withdraw and for Temporary Stay of Briefing Schedule (Appellant) = GRANTED (Amended Motion to Withdraw). FURTHER ORDERED: The opening brief is due on 10/16/2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
24. 28-Sep-2023 FILED: Notice of Appearance of Attorney David L. Abney; Certificate of Service for Notice of Appearance of Attorney David L. Abney (Appellant)
25. 6-Oct-2023 FILED: Motion for Procedural Order to Extend Date for Opening Brief; Certificate of Service for Motion for Procedural Order to Extend Date for Opening Brief (Appellants)
26. 10-Oct-2023 ORDERED: Motion for Procedural Order to Extend Date for Opening Brief (Appellants) = GRANTED. Due date EXTENDED from Monday, 10-16-2023 to Monday, 11-13-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
27. 13-Nov-2023 FILED: Motion for Procedural Order to Extend Date for Opening Brief; Certificate of Service for Motion for Procedural Order to Extend Date for Opening Brief (Appellant)
28. 13-Nov-2023 ORDERED: Motion for Procedural Order to Extend Date for Opening Brief (Appellant) = GRANTED and extending the time to file the opening brief from 11/13/2023 to 11/20/2023. If the brief is not timely filed, the court will dismiss this appeal. Hon David B Gass - Author
29. 20-Nov-2023 FILED: Opening Brief; Certificate of Compliance for Opening Brief; Certificate of Service for Opening Brief (Appellant)
30. 6-Dec-2023 FILED: Notice of Errata in the Opening Brief; Certificate of Service for Notice of Errata in the Opening Brief (Appellant)
31. 22-Dec-2023 FILED: First Motion for Procedural Order Extending Time to File Answering Brief; Certificate of Service (Appellee/Cross-Appellant)
32. 22-Dec-2023 ORDERED: First Motion for Procedural Order Extending Time to File Answering Brief (Appellee/Cross-Appellant) = GRANTED. Due date EXTENDED from Tuesday, 01-02-2024 to Friday, 02-16-2024. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Barbara Vidal Vaught ProTem Judge - Author
33. 27-Dec-2023 RECEIPT No.: 2023-01214 ; \$140.00, Authorization: # 61016573220, Applied to: ROBERT G. FURST - Class A Upgrade Fee (A-B) (\$140.00) Paid for: Lewis Roca Rothgerber Christie LLP - By nCourt LLC
34. 5-Feb-2024 FILED: Second Motion for Procedural Order Extending Time to File Answering Brief; Certificate of Service (Appellee/Cross-Appellant)

**Court of Appeals, Division One**

**Civil Appeal**

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**44 PROCEEDING ENTRIES**

35. 6-Feb-2024 ORDERED: Second Motion for Procedural Order Extending Time to File Answering Brief (Appellee/Cross-Appellant) = GRANTED. Due date EXTENDED from Friday, 02-16-2024 to Friday, 03-08-2024. 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
36. 8-Mar-2024 FILED: Appellee Robert G. Furst's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
37. 12-Apr-2024 FILED: Unopposed Motion for Procedural Order to Extend Date for Filing Reply/Cross-Answering Brief; Certificate of Service for Unopposed Motion for Procedural Order to Extend Date for Filing Reply/Cross-Answering Brief (Appellants/Cross-Appellees)
38. 15-Apr-2024 ORDERED: Unopposed Motion for Procedural Order to Extend Date for Filing Reply/Cross-Answering Brief (Appellants/Cross-Appellees) = GRANTED in part. Due date EXTENDED from Wednesday, 04-17-2024 to Monday, 05-13-2024. 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
39. 13-May-2024 FILED: Reply Brief (Reply/Cross-Answering Brief); Certificate of Compliance for Reply Brief; Certificate of Service for Reply Brief (Appellant/Cross-Appellee)
40. 14-May-2024 FILED: Appellee's Request for Oral Argument; Certificate of Service (Appellee/Cross-Appellant)
41. 7-Jun-2024 FILED: Motion to Strike Portions of Appellant's Reply Memorandum or, in the Alternative, Motion for Leave to File Sur-Reply; Certificate of Service (Appellee/Cross-Appellant)
42. 21-Jun-2024 FILED: Response to Motion to Strike Portions of Appellants' Reply Memorandum or, in the Alternative, Motion for Leave to File Sur-Reply; Certificate of Service for Response to Motion to Strike Portions of Appellants' Reply Memorandum or, in the Alternative, Motion for Leave to File Sur-Reply (Appellants/Cross-Appellees)
43. 28-Jun-2024 FILED: Appellee's Reply In Support of Motion to Strike; Certificate of Service (Appellee/Cross-Appellant)
44. 1-Jul-2024 ORDERED: Deferring ruling on motion (motion to strike portions of reply brief) to the panel that considers this appeal on the merits. Steven C Lawrence ProTem Judge - Author