

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0308

KP VENTURES v. MOHAVE

Appellate Case Information

Case Filed: 1-Jun-2023

Case Closed:

Dept/Composition

Department D

Hon. Samuel A Thumma
Hon. Jennifer B Campbell
Hon. Michael J Brown

Side 1. KP VENTURES WELL DRILLING & PUMP COMPANY, LLC, Plaintiff/Appellant/Cross-Appellee

(Litigant Group) KP VENTURES WELL DRILLING & PUMP COMPANY, LLC

- KP Ventures Well Drilling & Pump Company LLC

Attorneys for: Plaintiff/Appellant/Cross-Appellee

Bradley D Weech, Esq. (AZ Bar No. 11135)

Marshall R Hunt, Esq. (AZ Bar No. 31060)

Side 2. MOHAVE COUNTY DEPARTMENT OF PROCUREMENT, Defendant/Appellee/Cross-Appellant

(Litigant Group) MOHAVE COUNTY DEPARTMENT OF PROCUREMENT

- Mohave County Department of Procurement

Attorneys for: Defendant/Appellee/Cross-Appellant

Ryan Henry Esplin, Esq. (AZ Bar No. 29235)

Michele Molinario, Esq. (AZ Bar No. 20594)

Justin M Ackerman, Esq. (AZ Bar No. 30726)

CASE STATUS

Jul 25, 2024.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MOH, S8015CV202200962, Breach of Contract, Steven C Moss, Authoring Judge of Order.

Table with 2 columns: DESCENDENT CASE(S), Case ID. Row 1: ASC, CV-24-0162-PR

CASE DECISION

25-Jun-2024 MEMORANDUM DECISION

Samuel Thumma.....Author
Jennifer Campbell.....Concur
Michael Brown.....Concur

Filed: 25-Jun-2024 Mandate:

Decision Disposition

Affirmed in Part

42 PROCEEDING ENTRIES

- 1. 1-Jun-2023 FILED: Index of Record, Notice of Appeal from Mohave County Superior Court filed 05/18/23
2. 1-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 2-Jun-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 5-Jun-2023 FILED: Plaintiff/Appellant's Notice of Payment of Filing Fee; Certificate of Service (Appellant)
5. 5-Jun-2023 FILED: Plaintiff/Appellant's Notice of Filing Transcripts; Certificate of Service (Appellant)
6. 5-Jun-2023 FILED: Reporter's Transcript - 02/22/2023 - Motion to Dismiss (Kimberly Faehn) (Appellant)
7. 5-Jun-2023 FILED: Reporter's Transcript - 04/24/2023 - Motion for Reconsideration (Kimberly Faehn) (Appellant)
8. 6-Jun-2023 FILED: Notice of Association of Counsel; Certificate of Service (Appellee)
9. 9-Jun-2023 RECEIPT No.: 2023-00512 ; \$280.00, Authorization: #60010534391, Applied to: KP VENTURES WELL DRILLING & PUMP COMPANY, LLC - Class A Filing Fee (\$280.00) Paid for: Davis Miles McGuire Gardner - By nCourt LLC
10. 9-Jun-2023 FILED: Case Management Statement (Appellant)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0308****KP VENTURES v. MOHAVE****42 PROCEEDING ENTRIES**

11. 15-Jun-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Cross-Appeal filed 6/6/23)
12. 15-Jun-2023 FILED: Case Management Statement (Appellee/Cross-Appellant)
13. 19-Jun-2023 FILED: Appellate Clerk Notice Re: Cross Appellant's Fee [sic] and Case Management Statement Due/Appellant's Brief Due
14. 26-Jul-2023 FILED: Plaintiff/Appellant's Motion for Procedural Order to Extend Time to File Opening Brief 30 Days to August 31, 2023; Certificate of Service (Appellant/Cross-Appellee)
15. 27-Jul-2023 ORDERED: Plaintiff/Appellant's Motion for Procedural Order to Extend Time to File Opening Brief 30 Days to August 31, 2023 (Appellant/Cross-Appellee) = GRANTED. Due date EXTENDED from Tuesday, 08-01-2023 to Thursday, 08-31-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
16. 31-Aug-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
17. 2-Oct-2023 FILED: Defendant/Appellee/Cross-Appellant's Unopposed Motion for Procedural Order Extending Time to File Answering Brief/Opening Brief on Cross-Appeal; Certificate of Service (Appellee/Cross-Appellant)
18. 2-Oct-2023 ORDERED: Defendant/Appellee/Cross-Appellant's Unopposed Motion for Procedural Order Extending Time to File Answering Brief/Opening Brief on Cross-Appeal (Appellee/Cross-Appellant) = GRANTED. Due date EXTENDED from Tuesday, 10-10-2023 to Thursday, 11-09-2023. 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. 9-Nov-2023 FILED: Mohave County's Answering Brief and Opening Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
20. 12-Dec-2023 FILED: Plaintiff/Appellant/Cross-Appellee's Unopposed Motion for Procedural Order to Extend Time to File Reply Brief/Answering Brief 30 Days to January 18, 2024; Certificate of Service (Appellant)
21. 13-Dec-2023 ORDERED: Plaintiff/Appellant/Cross-Appellee's Unopposed Motion for Procedural Order to Extend Time to File Reply Brief/Answering Brief 30 Days to January 18, 2024 (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 12-19-2023 to Thursday, 01-18-2024. 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
22. 6-Jan-2024 FILED: Notice Change of (1) Law Firm Name and (2) Mailing Address; Certificate of Service (Appellant/Cross-Appellee)
23. 18-Jan-2024 FILED: KP Ventures' Reply Brief and Answering Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
24. 1-Feb-2024 FILED: Appellant's Request for Oral Argument; Certificate of Service (Appellant/Cross-Appellee)
25. 2-Feb-2024 FILED: Request for Oral Argument; Certificate of Service (Appellee/Cross-Appellant)
26. 2-Feb-2024 FILED: Cross-Appellant Mohave County Department of Procurement's Reply Brief on Cross Appeal; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
27. 14-Feb-2024 ORDERED: Appellant's Request for Oral Argument (Appellant/Cross-Appellee) = GRANTED. FURTHER ORDERED: Request for Oral Argument (Appellee/Cross-Appellant) = GRANTED. Hon David B Gass - Author
28. 28-Feb-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
29. 12-Mar-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
30. 26-Mar-2024 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 5-8-24, 10:15 am, COURTROOM 2.
31. 27-Mar-2024 FILED: Notice of Oral Argument
32. 27-Mar-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Justin Ackerman on 03/27/2024 (Appellee/Cross-Appellant)
33. 28-Mar-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Bradley Weech on 03/27/2024 (Appellant/Cross-Appellee)
34. 9-May-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 05/08/2024
35. 25-Jun-2024 MEMORANDUM DECISION (Affirmed in Part) Hon Samuel A Thumma - Author; Hon Jennifer B Campbell - Concur; Hon Michael J Brown - Concur
36. 25-Jun-2024 FILED: Decision Distribution Notification
37. 9-Jul-2024 FILED: Defendant/Appellee/Cross-Appellant Mohave County Department of Procurement's Application for Attorneys' Fees; Certificate of Service (Appellee)

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42 PROCEEDING ENTRIES

- 38. 23-Jul-2024 FILED: Plaintiff/Appellant/Cross-Appellee KP Ventures' Response to Mohave County's Application for Attorneys' Fees; Certificate of Service (Appellant)
- 39. 26-Jul-2024 FILED: Defendant/Appellee/Cross-Appellant Mohave County Department of Procurement's Reply in Support of Application for Attorneys' Fees; Certificate of Service (Appellee)
- 40. 29-Jul-2024 FILED: Email Notice from ASC re: Petition for Review filed 7/25/24; request for partial record
- 41. 29-Jul-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
- 42. 19-Aug-2024 ORDERED: Defendant/Appellee/Cross-Appellant Mohave County Department of Procurement's Application for Attorneys' Fees (Appellee) = GRANTED in the exercise of the Court's discretion, granting Defendant attorneys' fees in the amount of \$36,000. Hon Samuel A Thumma - Author