

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0492

MURTAGIAN, et al. v. ENTITY, et al.

Appellate Case Information

Case Filed: 8-Aug-2023

Case Closed:

Dept/Composition

Department E

Hon. Brian Y Furuya
Hon. James B Morse
Hon. David D Weinzweig

Side 1. GREGORIO R. MURTAGIAN, et al., Plaintiff/Appellant

(Litigant Group) GREGORIO R. MURTAGIAN, et al.

- Gregorio R Murtagian PRO SE
Veronica L Ponce PRO SE

Side 2. ENTITY CANYON, LLC, et al., Defendant/Appellee

(Litigant Group) ENTITY CANYON LLC, et al.

- Entity Canyon LLC
Secluded Canyon LLC
Co-Counsel for: Defendants/Appellees
Daryl Manhart, Esq. (AZ Bar No. 5471)
Laura Meyer, Esq. (AZ Bar No. 28755)
Charles M Leftwich, Jr, Esq. (AZ Bar No. 18465)

CASE STATUS

Sep 4, 2024.....Pending Closure

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2020-090319, Quiet Title, Peter A Thompson, Authoring Judge of Order.

OPEN DUE DATE

Petition for Review to ASC due Due By: Thursday, September 19, 2024

Re: ORDERED: Motion for Reconsideration (Appellant Pro Per) = DENIED. Hon James B Morse Jr. - Author

CASE DECISION

20-Aug-2024 MEMORANDUM DECISION

James Morse.....Author
Brian Furuya.....Concur
David Weinzweig.....Concur

Filed: 20-Aug-2024 Mandate:

Table with 1 column: Decision Disposition. Row 1: Affirmed

62 PROCEEDING ENTRIES

- 1. 8-Aug-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/10/23
2. 8-Aug-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: See 1CA-CV23-0374
3. 9-Aug-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 18-Aug-2023 FILED: Reporter's Transcript - 03/23/2022 - Bench Trial - Day One (Kimberly McCright) (Appellant Pro Per)
5. 18-Aug-2023 FILED: Reporter's Transcript - 03/24/2022 - Bench Trial - Day Two (Kimberly McCright) (Appellant Pro Per)
6. 25-Aug-2023 RECEIPT No.: 2023-00814 ; \$280.00, Authorization: #37007238443, Applied to: GREGORIO R. MURTAGIAN, et al. - Appellant's Filing Fee (\$280.00) Paid for: GREGORIO R. MURTAGIAN, et al. - By nCourt LLC
7. 25-Aug-2023 RECEIPT No.: 2023-00817 ; \$280.00, Authorization: #37007238443, Applied to: GREGORIO R. MURTAGIAN, et al. - Class A Filing Fee (\$280.00) Paid for: GREGORIO R. MURTAGIAN - By nCourt LLC (Memo: x-ref 2023-00814)
8. 25-Aug-2023 VOID RECEIPT No.: 2023-00814 - \$-280.00, Authorization: #37007238443, - Applied to: GREGORIO R. MURTAGIAN, et al. - Appellant's Filing Fee (\$-280.00) Paid for: GREGORIO R. MURTAGIAN, et al. - By: nCourt LLC VOID Reason: X-Ref: 2023-00817. incorrect paid for. ala

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9. 28-Aug-2023 FILED: Motion to Supplement Record on Appeal with Defendants' Proposed Form of Judgment and Proposed Findings of Fact and Conclusions of Law (Per Minute Entry Filed May 24, 2022); Certificate of Service; Attachment 1 Defendants [sic] Proposed Form of Judgment; Attachment 2 Defendants [sic] Proposed Findings of Fact and Conclusions of Law (Per Minute Entry Filed May24 2022) (Appellants Pro Per)
10. 28-Aug-2023 FILED: Motion to Stay Judgment; Certificate of Service (Appellants Pro Per)
11. 28-Aug-2023 FILED: Reporter's Transcript - 03/24/2022 - Bench Trial - Day Two (Kimberly McCright) (Duplicate); Certificate of Service (Appellant Pro Per)
12. 28-Aug-2023 FILED: Case Management Statement; Copy of Maricopa County Superior Court ME dated 07/06/2023 re: Motion for Relief from Judgment and to Vacate Judgment; Notice of Appeal (Courtesy Copy); Certificate of Service (Appellant Pro Per)
13. 28-Aug-2023 FILED: Reporter's Transcript - 03/23/2022 - Bench Trial - Day One (Kimberly McCright) (Duplicate); Certificate of Service (Appellant Pro Per)
14. 1-Sep-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
15. 14-Sep-2023 ORDERED: Motion to Stay Judgment (Appellants Pro Per) = DENIED. Hon David B Gass - Author
16. 14-Sep-2023 ORDERED: Pursuant to Arizona Rule of Civil Appellate Procedure 3(b), staying this appeal until 10/13/2023. FURTHER ORDERED: If the superior court has not ruled on the motion to supplement or correct the record by 10/13/2023, appellants must file a notice in this court regarding the status of the motion. FURTHER ORDERED: The opening brief is due on 11/13/2023. FURTHER ORDERED: Motion to Supplement Record on Appeal with Defendants' Proposed Form of Judgment and Proposed Findings of Fact and Conclusions of Law (Per Minute Entry Filed May 24, 2022) (Appellants Pro Per) = DENIED without prejudice to appellant filing a motion in the superior court to supplement or correct the record pursuant to ARCAP 11(g). Hon David B Gass - Author
17. 28-Sep-2023 FILED: Motion for Reconsideration of Order Dismissing Stay Judgment; Certificate of Compliance; Certificate of Service (Appellants Pro Per)
18. 3-Oct-2023 ORDERED: Motion for Reconsideration of Order Dismissing Stay Judgment (Appellants Pro Per) = DENIED. Hon David B Gass - Author
19. 16-Oct-2023 FILED: Notice Regarding Status Of Motion; Certificate of Service (Appellant)
20. 17-Oct-2023 ORDERED: Continuing stay of this appeal until 11/13/2023, for purposes set forth in this court's 09/14/2023 stay order. FURTHER ORDERED: Opening brief due on 12/13/2023. Melina Brill ProTem Judge - Author
21. 13-Nov-2023 FILED: Motion for Stay of Current Appeal Pending Resolution of Appeal Regarding Denial to Supplement or Correct the Record; Certificate of Service; Minute Entry (Maricopa County 10/25/2023) (Appellants Pro Per)
22. 14-Nov-2023 ORDERED: Motion for Stay of Current Appeal Pending Resolution of Appeal Regarding Denial to Supplement or Correct the Record (Appellants Pro Per) = DENIED. Appellants are reminded that the opening brief is due on 12/13/2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
23. 20-Nov-2023 FILED: Motion for Clarification; Certificate of Service (Appellants Pro Per)
24. 21-Nov-2023 ORDERED: Motion for Clarification (Appellants Pro Per) = DENIED. Melina Brill ProTem Judge - Author
25. 22-Nov-2023 FILED: Motion to Supplement or Correct the Record on Appeal; Certificate of Service; Attachments; Attachments (Appellants Pro Per)
26. 28-Nov-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 03/23/2022 List # 1 2 3 4 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 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 60 63 64 65 67 69 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 in a box
27. 29-Nov-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
28. 12-Dec-2023 ORDERED: Motion to Supplement or Correct the Record on Appeal (Appellants Pro Per) = DENIED. FURTHER ORDERED: Motion to Supplement or Correct the Record on Appeal (Appellants Pro Per) = GRANTED in part and allowing appellants to file all documents mentioned without any highlights or emphasis by 12/22/2023. The court does not express an opinion about the weight to be given to any of the documents. Hon David B Gass - Author
29. 13-Dec-2023 FILED: Appellate Brief of Plaintiffs/Appellants (Opening Brief); Certificate of Compliance; Certificate of Service (Appellant Pro Per)
30. 17-Dec-2023 FILED: Notice of Filing Documents to Supplement the Record on Appeal; Certificate of Service; Record from the Maricopa County Assessor's Office; Appellees' Proposed Findings of Fact and Conclusions of Law (Appellant Pro Per)

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31. 10-Jan-2024 FILED: Appellee's Motion for Procedural Order (Extension for Answering Brief); Appellee's Motion for Procedural Order (Duplicate) (Certificate of Service) (Appellee)
32. 10-Jan-2024 ORDERED: Appellee's Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 01-22-2024 to Wednesday, 02-21-2024. 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
33. 16-Jan-2024 RECEIPT No.: 2024-00040 ; \$140.00, Authorization: 16012628875, Applied to: ENTITY CANYON LLC, et al. - Class B Filing Fee (\$140.00) Paid for: Martinet Law - By nCourt LLC
34. 5-Feb-2024 FILED: Notice of Appearance as Co-Counsel; Certificate of Service (Appellee)
35. 19-Feb-2024 FILED: Appellee's Motion for Procedural Order (Extension for Answering Brief); Appellee's Motion for Procedural Order (Certificate of Service) (Appellee)
36. 20-Feb-2024 ORDERED: Appellee's Motion for Procedural Order (Extension for Answering Brief) (Appellee) = DENIED. Melina Brill ProTem Judge - Author
37. 20-Feb-2024 FILED: Appellants' Response in Opposition to Appellee's Motion for Procedural Order for Second Extension of Time to File Answering Brief; Certificate of Service (Appellants Pro Per)
38. 20-Feb-2024 FILED: Motion to Vacate/Reset Due Date for Answer Brief; Certificate of Service (Appellees)
39. 20-Feb-2024 FILED: Motion to (1) Disregard Appellants' Supplemental Record Documents, (2) Strike Parts of Opening Brief, and (3) Sanction Appellants; Certificate of Service (Appellees)
40. 20-Feb-2024 FILED: Motion to Dismiss Appeal for Lack of Jurisdiction; Certificate of Service (Appellees)
41. 20-Feb-2024 FILED: Amended Certificate of Service (Appellees)
42. 20-Feb-2024 ORDERED: Appellants' Response in Opposition to Appellee's Motion for Procedural Order for Second Extension of Time to File Answering Brief; Certificate of Service (Appellants Pro Per) = TAKING NO ACTION. Melina Brill ProTem Judge - Author
43. 20-Feb-2024 ORDERED: Motion to Vacate/Reset Due Date for Answer Brief (Appellees) = GRANTED and vacating the 02/21/2024 due date for the answering brief. The order ruling on the pending motion to dismiss and motion to disregard and strike will set a due date for the answering brief, if appropriate. Melina Brill ProTem Judge - Author
44. 28-Feb-2024 FILED: Appellants' Response in Opposition to Defendants-Appellees' Motion to Dismiss Appeal for Lack of Jurisdiction; Certificate of Service (Appellants Pro Per)
45. 28-Feb-2024 FILED: Appellants' Response in Opposition to Defendants-Appellees' Motion to Disregard Supplemental Record Documents and Strike Parts of Opening Brief; Certificate of Service (Appellants Pro Per)
46. 6-Mar-2024 FILED: Reply in Support of Motion to Dismiss Appeal for Lack of Jurisdiction; Certificate of Service (Appellees)
47. 6-Mar-2024 FILED: Reply in Support of Motion to (1) Disregard Appellants' Supplemental Record Documents, (2) Strike Parts of Opening Brief, and (3) Sanction Appellants; Certificate of Service (Appellees)
48. 7-Mar-2024 ORDERED: Motion to Dismiss Appeal for Lack of Jurisdiction (Appellees) = GRANTED in part as it pertains to the 07/11/2023 amended notice of appeal from the 10/2022 Rule 54(c) judgment. FURTHER ORDERED: Denying in part the motion to dismiss as it pertains to the 07/10/2023 notice of appeal from the ruling on the Rule 60(b) motion. FURTHER ORDERED: Motion to (1) Disregard Appellants' Supplemental Record Documents, (2) Strike Parts of Opening Brief, and (3) Sanction Appellants (Appellees) = DENIED without prejudice to appellees raising certain arguments (as noted above) in the answering brief. Hon David B Gass - Author
49. 8-Apr-2024 FILED: Substitution of Counsel; Certificate of Service (Appellee)
50. 8-Apr-2024 FILED: Appellee's Answering Brief; Certificate of Compliance (Duplicate); Certificate of Service (Appellee)
51. 8-Apr-2024 FILED: Certificate of Service (Duplicate) (Appellee)
52. 30-Apr-2024 FILED: Appellants [sic] Conditional Request for Oral Argument; Certificate of Service (Appellant)
53. 30-Apr-2024 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant Pro Per)
54. 13-May-2024 ORDERED: Appellants [sic] Conditional Request for Oral Argument (Appellant) = DENIED. Hon Randall M Howe - Author
55. 7-Jun-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
56. 12-Jun-2024 FILED: Notice of Supplemental Authority; Certificate of Service; Letter, dated 06/10/2024, from State Bar to Gregorio Murtagian re: dismissing charges (Appellant Pro Per)

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- 57. 17-Jun-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
- 58. 25-Jun-2024 CLNDR: CONFERENCE, Department E, 7-31-24, CONFERENCE ROOM.
- 59. 20-Aug-2024 MEMORANDUM DECISION (Affirmed) Hon James B Morse Jr. - Author; Hon Brian Y Furuya - Concur; Hon David D Weinzweig - Concur
- 60. 20-Aug-2024 FILED: Decision Distribution Notification
- 61. 3-Sep-2024 FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant Pro Per)
- 62. 4-Sep-2024 ORDERED: Motion for Reconsideration (Appellant Pro Per) = DENIED. Hon James B Morse Jr. - Author