

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0541

HOLADAY, et al. v. FOREMOST

Appellate Case Information

Case Filed: 29-Aug-2023

Case Closed:

Dept/Composition

Department A

Hon. Angela K Paton
Hon. Michael S Catlett
Hon. James B Morse

Side 1. SHARON HOLADAY, et al., Plaintiff/Appellee

(Litigant Group) SHARON HOLADAY, et al.

- Sharon Holaday
Bryan Turner

Attorneys for: Plaintiffs/Appellees

Douglas F Dieker, Esq. (AZ Bar No. 18317)
David L Abney, Esq. (AZ Bar No. 9001)

Side 2. FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN, Defendant/Appellant

(Litigant Group) FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN

- Foremost Insurance Company Grand Rapids Michigan

Attorneys for: Defendant/Appellant

Robert T Sullivan, Esq. (AZ Bar No. 22719)
Kelley M Jancaitis, Esq. (AZ Bar No. 25555)
Jessica J Kokal, Esq. (AZ Bar No. 29042)
Tyler M Abrahams, Esq. (AZ Bar No. 24931)

CASE STATUS

Aug 20, 2024...Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2023-000217, Breach of Contract, John L Blanchard, Authoring Judge of Order.

2 OPEN DUE DATES

Response to Costs due Due By: Tuesday, September 17, 2024

Re: FILED: Statement of Costs; Certificate of Service (Appellant)

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

Re: MEMORANDUM DECISION (Vacated, Remanded) Hon Angela K Paton - Author; Hon Michael S Catlett - Concur; Hon James B Morse Jr. - Concur

PENDING MATTER

General Motion Filed: 3-Sep-2024

Statement of Costs (Appellant)

2 CASE DECISIONS

13-Sep-2023 ORDER

Vacated

ORDERED: Dismissing this appeal. Nothing precludes appellant from filing a timely notice of appeal after a final judgment is entered.

Filed: 13-Sep-2023 Mandate:

Decision Disposition

Dismissed

Melina Brill.....Author

20-Aug-2024 MEMORANDUM DECISION

Angela Paton.....Author

Michael Catlett.....Concur

James Morse.....Concur

Filed: 20-Aug-2024 Mandate:

Decision Disposition

Vacated
Remanded

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0541****HOLADAY, et al. v. FOREMOST****39 PROCEEDING ENTRIES**

1. 29-Aug-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/31/23
2. 29-Aug-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 29-Aug-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 5-Sep-2023 RECEIPT No.: 2023-00846 ; \$280.00, Check Number: # 135988, Applied to: FOREMOST INSURANCE COMPANY GRAND RAPIDS, MICHIGAN - Class A Filing Fee (\$280.00) Paid for: - By Broening Oberg Woods & Wilson PC
5. 11-Sep-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
6. 13-Sep-2023 ORDERED: Dismissing this appeal. Nothing precludes appellant from filing a timely notice of appeal after a final judgment is entered. Melina Brill ProTem Judge - Author
7. 18-Sep-2023 FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant)
8. 19-Sep-2023 ORDERED: Requesting that appellees file a response to the motion by 10/02/2023. FURTHER ORDERED: Appellant may file a reply in accordance with ARCAP 6(a)(2). The court will rule on the motion following expiration of the time for a response and reply. Melina Brill ProTem Judge - Author
9. 2-Oct-2023 FILED: Response to Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellee)
10. 4-Oct-2023 FILED: Reply in Support of Motion for Reconsideration; Order Re: Response; Certificate of Service (Appellant)
11. 5-Oct-2023 RECEIPT No.: 2023-00941 ; \$140.00, Authorization: # 78004991359, Applied to: SHARON HOLADAY, et al. - Class B Filing Fee (\$140.00) Paid for: Dieker Copple PLLC - By nCourt LLC
12. 12-Oct-2023 ORDERED: Motion for Reconsideration (Appellant) = GRANTED and reinstating this appeal. FURTHER ORDERED: Appellant shall file the case management statement by 10/23/2023, and the opening brief by 11/13/2023. If appellant does not timely file the opening brief, the court will dismiss the appeal. Hon David B Gass - Author
13. 18-Oct-2023 FILED: Case Management Statement; Certificate of Service (Appellant)
14. 18-Oct-2023 FILED: Notice of Filing and Serving Reporter's Transcript of May 18, 2023, [sic]; Reporter's Transcript - 05/18/2023 - Oral Argument (Kimberly McCright); Certificate of Service (Appellant)
15. 9-Nov-2023 FILED: Motion for Procedural Order to Extend Time to File Answering Brief (Opening Brief); Certificate of Service (Appellant)
16. 9-Nov-2023 ORDERED: Motion for Procedural Order to Extend Time to File Answering Brief (Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 11-13-2023 to Tuesday, 11-28-2023. If the brief is not timely filed, the court may dismiss this appeal. Barbara Vidal Vaught ProTem Judge - Author
17. 28-Nov-2023 FILED: Opening Brief of Defendant/Appellant Foremost Insurance Company Grand Rapids, Michigan; Certificate of Compliance; Certificate of Service (Appellant)
18. 5-Dec-2023 FILED: Notice of Appearance of Attorney David L. Abney; Certificate of Service for Notice of Appearance of Attorney David L. Abney (Appellee)
19. 7-Dec-2023 FILED: Amended Opening Brief of Defendant/Appellant Foremost Insurance Company Grand Rapids, Michigan; Certificate of Compliance; Certificate of Service (Appellant)
[stricken per order filed 12/08/23]
20. 8-Dec-2023 ORDERED: Striking the opening brief filed 12/7/23. Melina Brill ProTem Judge - Author
21. 11-Dec-2023 FILED: Motion for Leave to File Amended Opening Brief; Certificate of Service (Appellant)
22. 27-Dec-2023 FILED: Amended Opening Brief of Defendant/Appellant Foremost Insurance Company Grand Rapids, Michigan; Certificate of Compliance; Certificate of Service (Appellant)
23. 27-Dec-2023 ORDERED: Motion for Leave to File Amended Opening Brief (Appellant) = GRANTED. FURTHER ORDERED: Appellant must file the amended opening brief by 01/05/2024. The brief will be accepted in place of the brief filed on 11/28/2023. FURTHER ORDERED: The answering brief is due on 02/05/2024. Barbara Vidal Vaught ProTem Judge - Author
24. 4-Feb-2024 FILED: Answering Brief; Certificate of Compliance for Answering Brief; Certificate of Service for Answering Brief (Appellee)
25. 26-Feb-2024 FILED: Reply Brief of Defendant/Appellant Foremost Insurance Company Grand Rapids, Michigan; Certificate of Compliance; Certificate of Service (Appellant)

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26. 28-Feb-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
27. 5-Mar-2024 FILED: Request for Oral Argument; Certificate of Service (Appellant)
28. 6-Mar-2024 FILED: Response to Request for Oral Argument; Certificate of Service for Response to Request for Oral Argument (Appellee)
29. 7-Mar-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
30. 13-Mar-2024 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author
31. 26-Apr-2024 CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 6-11-24, 09:30 am, COURTROOM 1.
32. 26-Apr-2024 FILED: Notice of Oral Argument
33. 27-Apr-2024 FILED: Return Receipt for Notice of Oral Argument, signed by David Abney on 04/26/2024 (Appellee)
34. 29-Apr-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Kelley Jancaitis on 04/29/2024 (Appellant)
35. 29-Apr-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Tyler Abrahams on 04/29/2024 (Appellant)
36. 11-Jun-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 06/11/2024
37. 20-Aug-2024 MEMORANDUM DECISION (Vacated, Remanded) Hon Angela K Paton - Author; Hon Michael S Catlett - Concur; Hon James B Morse Jr. - Concur
38. 20-Aug-2024 FILED: Decision Distribution Notification
39. 3-Sep-2024 FILED: Statement of Costs; Certificate of Service (Appellant)