

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0542

TEMPE v. LEJAS

Appellate Case Information

Case Filed: 29-Aug-2023

Case Closed:

Dept/Composition

Department A

Hon. Jennifer B Campbell
Hon. Kent E Cattani
Hon. Paul J McMurdie

Side 1. HURRICANE FENCE, CO., Plaintiff/Appellee

(Litigant Group) HURRICANE FENCE, CO.

[Dismissed per order filed 01/02/2024]

- Hurricane Fence Co

Side 2. PHILADELPHIA INDEMNITY INSURANCE COMPANY, et al., Defendant/Appellee

(Litigant Group) PHILADELPHIA INDEMNITY INSURANCE COMPANY

[Dismissed per order filed 01/02/2024]

- Philadelphia Indemnity Insurance Company

(Litigant Group) CITY OF TEMPE

- City of Tempe

Attorneys for: Defendant/Appellee Tempe

Sonia M Blain, Esq. (AZ Bar No. 7697)
Sarah R Anchors, Esq. (AZ Bar No. 25344)
Matthew J Mansfield, Esq. (AZ Bar No. 24046)

Side 3. LEJAS CORPORATION, Defendant/Appellant

(Litigant Group) LEJAS CORPORATION

- Lejas Corporation

Attorneys for: Defendant/Appellant

Justin Robert DePaul, Esq. (AZ Bar No. 31581)
Jesse R Callahan, Esq. (AZ Bar No. 25393)
Andrew Lishko, Esq. (AZ Bar No. 33136)

CASE STATUS

Aug 27, 2024...Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Rows include MAR CV2020-003865 and MAR CV2020-006152.

3 OPEN DUE DATES

Motion for Reconsideration due Due By: Wednesday, September 11, 2024

Re: MEMORANDUM DECISION (Affirmed in Part, Vacated, Remanded in Part) Hon Jennifer B Campbell - Author; Hon Kent E Cattani - Concur; Hon Paul J McMurdie - Concur

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

Re: FILED: Defendant/Appellant's Verified Statement of Costs; Certificate of Service (Appellant)

Petition for Review to ASC due Due By: Thursday, September 26, 2024

Re: MEMORANDUM DECISION (Affirmed in Part, Vacated, Remanded in Part) Hon Jennifer B Campbell - Author; Hon Kent E Cattani - Concur; Hon Paul J McMurdie - Concur

PENDING MATTER

General Motion Filed: 3-Sep-2024

Defendant-Appellant's Verified Statement of Costs(Appellant)

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0542

TEMPE v. LEJAS

CASE DECISION

27-Aug-2024 MEMORANDUM DECISION

Jennifer Campbell.....Author
Kent Cattani.....Concur
Paul McMurdie.....Concur

Filed: 27-Aug-2024

Mandate:

Table with 1 column: Decision Disposition. Content: Affirmed in Part, Vacated, Remanded in Part

41 PROCEEDING ENTRIES

- 1. 29-Aug-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/28/23
2. 29-Aug-2023 FILED: e-Record on Appeal: (CV2020-006152) Instruments/Minute Entries Exhibits: None
3. 29-Aug-2023 FILED: e-Record on Appeal: (CV2020-003865) Instruments/Minute Entries Exhibits: None
4. 29-Aug-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 8-Sep-2023 FILED: Notice of Appearance and Payment of Appellant Lejas Corporation's, Filing Fee; Certificate of Service (Appellant)
6. 8-Sep-2023 FILED: Notice of Pending Motions; Certificate of Service (Appellant)
7. 12-Sep-2023 ORDERED: Pursuant to Arizona Rule of Civil Appellate Procedure 3(b), staying this appeal until 11/02/2023. FURTHER ORDERED: If the superior court has not ruled on the motion by 11/02/2023, appellant must file a notice in this court regarding the status of the motion. FURTHER ORDERED: Vacating the 09/18/2023 due date for the case management statement and the 10/30/2023 due date for the opening brief. The court will address the briefing schedule after the superior court rules on the pending motion. Melina Brill ProTem Judge - Author
8. 14-Sep-2023 RECEIPT No.: 2023-00882 ; \$280.00, Authorization: # 57007266590, Applied to: LEJAS CORPORATION - Class A Filing Fee (\$280.00) Paid for: May Potenza Baran & Gillespie - By nCourt LLC
9. 6-Oct-2023 FILED: Supplemental Notice Regarding Pending Motions; Certificate of Service (Appellant)
10. 11-Oct-2023 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: The case management statement is due on 10/25/2023, and the opening brief is due on 12/01/2023 Melina Brill ProTem Judge - Author
11. 20-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
12. 25-Oct-2023 FILED: Case Management Statement (Appellant)
13. 1-Nov-2023 FILED: Notice of Filing and Serving Transcripts; Certificate of Service (Appellant)
14. 1-Nov-2023 FILED: Reporter's Transcript - 10/03/2023 - Motion for Judgment as a Matter of Law (Janice Grill) (Appellant)
15. 1-Nov-2023 FILED: Reporter's Transcript - 11/18/2022 - Motions Hearing (Khaleelah Gantt) (Appellant)
16. 6-Nov-2023 FILED: Appellate Clerk Notice re: Appellee's Fees; Appellant's Brief Due
17. 7-Nov-2023 FILED: Appellee Philadelphia Indemnity Insurance Company's Notice of Payment of Filing Fee; Certificate of Service (Appellee Philadelphia)
18. 13-Nov-2023 RECEIPT No.: 2023-01061 ; \$140.00, Authorization: # 17013336829, Applied to: PHILADELPHIA INDEMNITY INSURANCE COMPANY - Class B Filing Fee (\$140.00) Paid for: Jennings Haug Keleher McLeod LLP - By nCourt LLC
19. 15-Nov-2023 FILED: Unopposed Motion for Procedural Order to Extend Deadline for Appellant to File Its Opening Brief; Certificate of Service (Appellant)
20. 16-Nov-2023 ORDERED: Unopposed Motion for Procedural Order to Extend Deadline for Appellant to File Its Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 12-01-2023 to Tuesday, 01-02-2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
21. 20-Nov-2023 FILED: Notice of Appearance and Payment of Filing Fee; Certificate of Service (Appellee Hurricane)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0542****TEMPE v. LEJAS****41 PROCEEDING ENTRIES**

22. 27-Nov-2023 RECEIPT No.: 2023-01109 ; \$140.00, Authorization: # 31014632915, Applied to: HURRICANE FENCE, CO. - Class B Filing Fee (\$140.00) Paid for: Giles Law Firm - By nCourt LLC
23. 28-Dec-2023 FILED: Stipulation for Partial Dismissal of Appeal; Certificate of Service (Appellant)
24. 2-Jan-2024 ORDERED: Stipulation for Partial Dismissal of Appeal (Appellant) = GRANTED and dismissing appellees Hurricane Fence Co., and Philadelphia Indemnity Insurance Company from this appeal, with those appellees to bear their own costs. FURTHER ORDERED: Amending the caption and docket in this appeal by removing Hurricane Fence Co., and Philadelphia Indemnity Insurance Company as appellees. The caption shown on this order shall be used on all future documents filed in this appeal. Melina Brill ProTem Judge - Author
25. 2-Jan-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
26. 6-Feb-2024 FILED: Motion for Procedural Order of Time to File Answering Brief; Certificate of Service - Motion for Procedural Order of Time to File Answering Brief (Appellee)
27. 7-Feb-2024 ORDERED: Motion for Procedural Order of Time to File Answering Brief (Appellee) = GRANTED and extending the time to file the answering brief from 02/12/2024 to 03/29/2024. 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
28. 20-Feb-2024 FILED: Motion to Withdraw as Counsel of Record for Lejas Corporation with Client Consent; Certificate of Service of Notice of Withdrawal as Counsel with Client Consent (Appellant)
29. 21-Feb-2024 ORDERED: Motion to Withdraw as Counsel of Record for Lejas Corporation with Client Consent (Appellant) = GRANTED. Melina Brill ProTem Judge - Author
30. 29-Mar-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
31. 11-Apr-2024 FILED: Unopposed Motion for Procedural Order Extending Time to File Reply Brief; Certificate of Service (Appellant)
32. 12-Apr-2024 FILED: Amended Unopposed Motion for Procedural Order Extending Time to File Reply Brief; Certificate of Service (Appellant)
33. 12-Apr-2024 ORDERED: Unopposed Motion for Procedural Order Extending Time to File Reply Brief (Appellant) = DENIED. Melina Brill ProTem Judge - Author
34. 12-Apr-2024 ORDERED: Amended Unopposed Motion for Procedural Order Extending Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 04-18-2024 to Monday, 05-20-2024. If brief not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
35. 20-May-2024 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
36. 10-Jun-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
37. 20-Jun-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (CV2020-006152)
38. 25-Jun-2024 CLNDR: CONFERENCE, Department A, 8-7-24, CONFERENCE ROOM.
39. 27-Aug-2024 MEMORANDUM DECISION (Affirmed in Part, Vacated, Remanded in Part) Hon Jennifer B Campbell - Author; Hon Kent E Cattani - Concur; Hon Paul J McMurdie - Concur
40. 27-Aug-2024 FILED: Decision Distribution Notification
41. 3-Sep-2024 FILED: Defendant/Appellant's Verified Statement of Costs; Certificate of Service (Appellant)