

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0632

YOUNG, et al. v. MORTIMER, et al.

Appellate Case Information

Case Filed: 10-Oct-2023

Case Closed:

Dept/Composition

Department F

Hon. Daniel J Kiley
Hon. Kent E Cattani
Hon. D Steven Williams

Side 1. YOUNG ACRES, INC., an Arizona corporation, and YOUNG'S FARM, INC., an Arizona corporation, Plaintiff/Appellant

(Litigant Group) YOUNG ACRES, INC., et al.

- Young Acres Inc
Young's Farm

Attorneys for: Plaintiffs/Appellants

Andrew A Harnisch, Esq. (AZ Bar No. 24957)
Eric W Moats, Esq. (AZ Bar No. 37303)

Side 2. GARY C. MORTIMER and SHARLA D. MARTIMER, a married couple, Defendant/Appellee

(Litigant Group) GARY C. MORTIMER, et al.

- Gary C Mortimer
Sharla D Mortimer

Attorneys for: Defendants/Appellees

Lauren J Caster, Esq. (AZ Bar No. 4537)
Kevin J Bonner, Esq. (AZ Bar No. 17944)
Mario C Vasta, Esq. (AZ Bar No. 33254)
Timothy J Berg, Esq. (AZ Bar No. 4170)

CASE STATUS

Aug 1, 2024.....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YAV, P1300CV202100413, Breach of Contract, Michael P McGill, Authoring Judge of Order.

4 OPEN DUE DATES

Motion for Reconsideration due Due By: Friday, August 16, 2024
Re: MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Daniel J Kiley - Concur; Hon D Steven Williams - Concur

Petition for Review to ASC due Due By: Tuesday, September 3, 2024
Re: MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Daniel J Kiley - Concur; Hon D Steven Williams - Concur

Response to Attorneys Fees due Due By: Friday, September 6, 2024 [1 extension]
Re: FILED: Defendants/Appellees Gary C. Mortimer and Sharla D. Mortimer's Statement of Attorneys' Fees and Costs; Certificate of Service to Defendants/Appellees Gary C. Mortimer and Sharla D. Mortimer's Statement of Attorneys' Fees and Costs (Appellees)

Response to Costs due Due By: Friday, September 6, 2024 [1 extension]
Re: FILED: Defendants/Appellees Gary C. Mortimer and Sharla D. Mortimer's Statement of Attorneys' Fees and Costs; Certificate of Service to Defendants/Appellees Gary C. Mortimer and Sharla D. Mortimer's Statement of Attorneys' Fees and Costs (Appellees)

2 PENDING MATTERS

General Motion Filed: 13-Aug-2024
Defendants/Appellees Gary C. Mortimer and Sharla D. Mortimer's Statement of Attorneys' Fees and COSTS (Appellees)

General Motion Filed: 13-Aug-2024
Defendants/Appellees Gary C. Mortimer and Sharla D. Mortimer's Statement of ATTORNEYS' FEES and Costs (Appellee)

**Court of Appeals, Division One**

**Civil Appeal**

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**CASE DECISION**

01-Aug-2024 MEMORANDUM DECISION

**Kent Cattani**.....Author  
**Daniel Kiley**.....Concur  
**D Williams**.....Concur

Filed: <b>01-Aug-2024</b>	Mandate:
Decision Disposition	
<b>Affirmed</b>	

**33 PROCEEDING ENTRIES**

1. 10-Oct-2023 FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 09/06/23
2. 10-Oct-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 10-Oct-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 11-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
5. 19-Oct-2023 FILED: Notice of Payment of Appellant Young Acres, Inc. and Young's Farm, Inc.'s Filing Fee; Certificate of Service for Notice of Payment of Appellant Young Acres, Inc. and Young's Farm, Inc.'s Filing Fee (Appellant)
6. 25-Oct-2023 RECEIPT No.: 2023-01003 ; \$280.00, Authorization: # 98007480832, Applied to: YOUNG ACRES, INC., et al. - Class A Filing Fee (\$280.00) Paid for: May Potenza Baran & Gillespie - By nCourt LLC
7. 30-Oct-2023 FILED: Case Management Statement (Appellant)
8. 31-Oct-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
9. 13-Nov-2023 FILED: Notice of Payment of Appellees Gary C. Mortimer and Sharla D. Mortimer's Filing Fee; Certificate of Service for Notice of Payment of Appellees Gary C. Mortimer and Sharla D. Mortimer's Filing Fee (Appellee)
10. 17-Nov-2023 RECEIPT No.: 2023-01079 ; \$140.00, Authorization: # 21006383510, Applied to: GARY C. MORTIMER, et al. - Class B Filing Fee (\$140.00) Paid for: Fennemore Craig PC - By nCourt LLC
11. 5-Dec-2023 FILED: Notice of Filing Transcripts; Certificate of Service of Notice of Filing Transcripts (Appellee)
12. 5-Dec-2023 FILED: Reporter's Transcript - 04/10/2023 - Oral Argument (Lisa Chaney) (Appellee)
13. 11-Dec-2023 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service on Appellant's Opening Brief (Appellant)
14. 18-Dec-2023 FILED: Unopposed Motion for Procedural Order for Extension to File Response Brief; Certificate of Service of Unopposed Motion for Procedural Order for Extension to File Response Brief (Appellee)
15. 18-Dec-2023 ORDERED: Unopposed Motion for Procedural Order for Extension to File Response Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 01-22-2024 to Tuesday, 02-20-2024. 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
16. 20-Feb-2024 FILED: Defendants'/Appellees' Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
17. 4-Mar-2024 FILED: Unopposed Motion for Procedural Order for Extension to File Reply Brief; Certificate of Service for Unopposed Motion for Procedural Order for Extension to file Reply Brief (Appellant)
18. 5-Mar-2024 ORDERED: Unopposed Motion for Procedural Order for Extension to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 03-11-2024 to Monday, 03-25-2024. 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
19. 25-Mar-2024 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service on Appellant's Reply Brief (Appellant)
20. 26-Mar-2024 FILED: Appellants' Request for Oral Argument; Certificate of Service on Appellants' Request for Oral Argument (Appellant)
21. 10-Apr-2024 ORDERED: Appellants' Request for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author
22. 26-Apr-2024 CLNDR: MONTHLY COURT CASE CALENDAR, Department F, 6-13-24, 09:30 am, COURTROOM 1.
23. 29-Apr-2024 FILED: Notice of Oral Argument
24. 31-May-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Timothy Berg on 04/29/2024 (Appellee)
25. 4-Jun-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Timothy Berg on 06/04/2024 (Appellee)

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26. 4-Jun-2024 ORDERED: Vacating conference and oral argument in this matter currently set for 06/13/2024 and resetting same for 06/24/2024 at 9:30 a.m. before Department F (see order). Hon Daniel J Kiley - Author
27. 13-Jun-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Andrew Harnisch on 06/04/2024 (Appellant)
28. 24-Jun-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 6/24/24
29. 1-Aug-2024 MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Daniel J Kiley - Concur; Hon D Steven Williams - Concu
30. 1-Aug-2024 FILED: Decision Distribution Notification
31. 13-Aug-2024 FILED: Defendants/Appellees Gary C. Mortimer and Sharla D. Mortimer's Statement of Attorneys' Fees and Costs; Certificate of Service to Defendants/Appellees Gary C. Mortimer and Sharla D. Mortimer's Statement of Attorneys' Fees and Costs (Appellees)
32. 22-Aug-2024 FILED: Unopposed Motion for Procedural Order for Extension to File Response to Defendants/Appellees Gary C. Mortimer and Sharla D. Mortimer's Statement of Attorneys' Fees and Costs; Certificate of Service for Unopposed Motion for Procedural Order for Extesnion [sic] to File Response to Defendants/Appellees Gary C. Mortimer and Sharla D. Mortimer's Statement of Attorneys' Fees and Costs (Appellant)
33. 22-Aug-2024 ORDERED: Unopposed Motion for Procedural Order for Extension to File Response to Defendants/Appellees Gary C. Mortimer and Sharla D. Mortimer's Statement of Attorneys' Fees and Costs (Appellant) = GRANTED Plaintiffs/Appellants' unopposed motion for procedural order for extension to file response to Defendants/Appellees statement of attorneys' fees and costs from 08/27/2024 to 09/06/2024. Hon Kent E Cattani - Author