

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0633

LEWISON v. BOGLE, et al.

Appellate Case Information

Case Filed: 9-Oct-2023

Case Closed:

Dept/Composition

Side 1. In the Matter of the Estate of:

YVETTE D. LEWISON,

Deceased.

ARTHUR W. LEWISON, Petitioner/Appellant

(Litigant Group) ARTHUR W. LEWISON

- Arthur Lewison

Attorneys for: Petitioner/Appellant

Kent S Berk, Esq. (AZ Bar No. 14336)

Daniel Z Otsuki, Esq. (AZ Bar No. 38385)

Daphne J Reaume, Esq. (AZ Bar No. 18577)

Side 2. MIKE BOGLE, et al., Respondent/Appellee

(Litigant Group) RAYMOND JUDE ELLMER [Substituted per order filed on 08/29/2024]

(Litigant Group) MIKE BOGLE, EAST VALLEY FIDUCIARY SERVICES, et al.

- Mike Bogle

Attorney for: Respondent/Appellee

Michael P Faith, Esq. (AZ Bar No. 27177)

Robert S Elliott, Esq. (AL Bar No. ASB0650R73E)

(Litigant Group) DANA ECKSTEIN BERKOWITZ, et al.

- Dana Eckstein Berkowitz

Attorneys for: Respondents/Appellees Berkowitz/Power

- Bess Power

Andre H Merrett, Esq. (AZ Bar No. 20889)

CASE STATUS

Apr 22, 2024....At Issue

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, PB2022-000751, Petition for Formal Probate of Will and Appointment of Personal Representative, Christian Bell, Authoring Judge of Order.

OPEN DUE DATE

Court Ordered Document due

Due By:

Friday, September 13, 2024

Re: * ORDERED: Continuing the stay of this appeal until 09/13/2024. FURTHER ORDERED: Within 10 days after a personal representative is appointed, counsel for appellees must file notice in this court with appropriate documentation evidencing the appointment. F

45 PROCEEDING ENTRIES

- 1. 11-Oct-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
2. 11-Oct-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 9/12/23
3. 11-Oct-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 25-Oct-2023 RECEIPT No.: 2023-01005 ; \$280.00, Authorization: # 98007480833, Applied to: ARTHUR W. LEWISON - Class A Filing Fee (\$280.00) Paid for: Berk Law Group PC - By nCourt LLC
5. 31-Oct-2023 FILED: Appellate Clerk Notice re: Appellee's Fee's; Appellant's Brief/Case Management Statement Due

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6. 31-Oct-2023 ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 11/29/2023. Signed order re: minute entry of 09/01/2023 filed 09/26/2023 due within 10 days after its entry. If appeal reinstated by filing of signed order, case management statement due 12/11/2023 and opening brief due 12/29/2023. Melina Brill ProTem Judge - Author
7. 29-Nov-2023 FILED: Motion to Continue Stay on Appeal; Certificate of Service (Appellant)
8. 30-Nov-2023 ORDERED: Motion to Continue Stay on Appeal (Appellant) = GRANTED in part and continuing the stay of this appeal until 01/05/2024, for the purposes set forth in this court's 10/31/2023 stay order. FURTHER ORDERED: If this court has received a signed order before 01/05/2024, the case management statement is due on 01/16/2024, and the opening brief is due on 02/05/2024. Melina Brill ProTem Judge - Author
9. 22-Dec-2023 FILED: Reporter's Transcript - 03/16/2023 - Trial Setting Conference (Logan Tsuji)
10. 22-Dec-2023 FILED: Reporter's Transcript - 04/12/2023 - Hearing for Petition (Logan Tsuji)
11. 22-Dec-2023 FILED: Reporter's Transcript - 05/03/2023 - Hearing For Appointment for Special Administrator (Logan Tsuji)
12. 22-Dec-2023 FILED: Reporter's Transcript - 05/05/2022 - Hearing for Petition (Logan Tsuji)
13. 22-Dec-2023 FILED: Reporter's Transcript - 05/08/2023 - Oral Argument (Logan Tsuji)
14. 22-Dec-2023 FILED: Reporter's Transcript - 06/07/2023 - Motion to Continue Trial (Logan Tsuji)
15. 22-Dec-2023 FILED: Reporter's Transcript - 06/30/2022 - Hearing for Petition (Logan Tsuji)
16. 4-Jan-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes Final Order Pursuant to Court's ME Dated 09/26/2023)
17. 8-Jan-2024 FILED: Notice of Lodging Final Superior Court Order; Certificate of Service; Copy of Maricopa County Superior Court Order dated 12/19/2023 re: Final Order (Appellant)
18. 12-Jan-2024 FILED: Case Management Statement (Appellant)
19. 5-Feb-2024 FILED: Appellant's Opening Brief; Certificate of Compliance to Appellant's Opening Brief; Certificate of Service of Appellant's Opening Brief (Appellant)
20. 5-Feb-2024 FILED: Appendix to Appellant's Opening Brief; Appendix to Appellant's Opening Brief (Part 2); Appendix to Appellant's Opening Brief (Part 3) (Appellant)
21. 13-Mar-2024 FILED: Motion for Extension of Time to File Answering Brief Motion for Procedural Order; Certificate of Service Motion for Procedural Order (Appellee Ellmer)
22. 13-Mar-2024 FILED: Notice of Receipt of Complete Application; Certificate of Good Standing; Application for Appearance Pro Hac Vice; Copy of Maricopa County Superior Court ME filed 03/27/2023 re: Motion to Associate Pro Hac Vice Counsel (Appellee Ellmer)
23. 14-Mar-2024 ORDERED: Motion for Extension of Time to File Answering Brief Motion for Procedural Order (Appellee Ellmer) = GRANTED. Due dates EXTENDED from Monday, 03-18-2024 to Monday, 04-01-2024. If an answering brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Barbara Vidal Vaught ProTem Judge - Author
24. 19-Mar-2024 RECEIPT No.: 2024-00274 ; \$140.00, Authorization: #79011877630, Applied to: RAYMOND JUDE ELLMER, et al. - Class B Filing Fee (\$140.00) Paid for: Faith Ledyard & Faith PLC - By nCourt LLC
25. 1-Apr-2024 FILED: Answering Brief of Appellee Raymond Jude Ellmer; Certificate of Compliance; Certificate of Service; Appellee's Appendix to Answering Brief (Appellee Ellmer)
26. 1-Apr-2024 FILED: Notice of Receipt of Complete Application; Certificate of Good Standing; Application for Appearance Pro Hac Vice (Appellee Ellmer)
27. 22-Apr-2024 FILED: Appellant's Request for Oral Argument; Certificate of Service of Appellant's Reply Brief, Certificate of Compliance and Request for Oral Argument (Appellant)
28. 22-Apr-2024 FILED: Appellant's Reply Brief; Certificate of Compliance to Appellant's Reply Brief; Certificate of Service of Appellant's Reply Brief, Certificate of Compliance, and Request for Oral Argument (Appellant)
29. 30-Apr-2024 ORDERED: Appellant's Request for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author
30. 8-May-2024 FILED: Statement of Death and Motion for Substitution; Certificate of Service (Appellee)
31. 8-May-2024 FILED: Notice of Receipt of Complete Application; Certificate of Good Standing; Verified Application for Pro Hac Vice Admission; Copy of Maricopa County Superior Court ME dated 03/16/2023 re: Motion to Associate Pro Hac Vice Counsel (Appellee Ellmer)

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45 PROCEEDING ENTRIES

32. 9-May-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
33. 20-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
34. 24-May-2024 ORDERED: Statement of Death and Motion for Substitution (Appellee) = Staying this appeal until 06/24/2024. FURTHER ORDERED: Directing counsel for appellees to file a status report by 06/24/2024, if a notice pursuant to the previous paragraph has not been filed, that indicates whether Ms. Botkin has been appointed personal representative and/or the status of the appointment proceedings. The status report must be supported by appropriate documentation. Melina Brill ProTem Judge - Author
35. 24-Jun-2024 FILED: Status Report; Certificate of Service (Appellee)
36. 24-Jun-2024 FILED: Notice of Receipt of Complete Application; Elliott, Robert, Certificate of Good Standing; Verified Application; Order Granting Pro Hac Admission (Appellee)
37. 25-Jun-2024 ORDERED: Continuing stay until 07/25/24. FURTHER ORDERED: Within 10 days of personal representative appointment, appellees must file notice with appropriate documentation. FURTHER ORDERED: appellees to file status report by 07/25/24. Melina Brill ProTem Judge - Author
38. 29-Jul-2024 FILED: Second Status Report; Certificate of Service (Appellee)
39. 30-Jul-2024 ORDERED: Continuing the stay of this appeal until 09/13/2024. FURTHER ORDERED: Within 10 days after a personal representative is appointed, counsel for appellees must file notice in this court with appropriate documentation evidencing the appointment. FURTHER ORDERED: Directing counsel for appellees to file a status report by 09/13/2024, if a notice pursuant to the previous paragraph has not been filed, that indicates whether Ms. Botkin has been appointed personal representative and/or the status of the appointment proceedings. The status report must be supported by appropriate documentation. Melina Brill ProTem Judge - Author
40. 16-Aug-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
41. 26-Aug-2024 FILED: Third Status Report & Notice of Appointment of Special Administrator; Certificate of Service (Appellee Ellmer)
42. 26-Aug-2024 FILED: Notice of Receipt of Complete Application (Pro Hac Vice); Certificate of Good Standing; Application for Appearance Pro Hac Vice; Copy of Order Re: Motion to Associate Pro Hac Vice Counsel, filed in Maricopa County Superior Court on 03/17/2023 (Appellee Ellmer)
43. 28-Aug-2024 FILED: Corrected Certificate of Service (Appellee Bogle)
44. 28-Aug-2024 FILED: Notice of Receipt of Complete Application (Pro Hac Vice) (Duplicate); Certificate of Good Standing (Duplicate); Application for Appearance Pro Hac Vice (Duplicate); Copy of Re: Motion to Associate Pro Hac Vice Counsel, filed in Maricopa County Superior Court on 03/17/2023 (Duplicate) (Appellee Bogle)
45. 29-Aug-2024 ORDERED: Substituting Mike Bogle of East Valley Fiduciary Services, Inc. as a respondent/appellee in this appeal in place of Raymond Jude Ellmer and amending the caption in this appeal. The above caption shall be used on all future documents filed in this appeal. FURTHER ORDERED: Lifting the stay of this appeal. Melina Brill ProTem Judge - Author