

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0633

LEWISON v. ELLMER, 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. RAYMOND JUDE ELLMER, et al., Respondent/Appellee

(Litigant Group) RAYMOND JUDE ELLMER, et al.

- Raymond Jude Ellmer

Attorneys for: Respondent/Appellee Ellmer

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

May 24, 2024...Stayed (until 9/13/24)

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

40 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
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

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0633****LEWISON v. ELLMER, et al.****40 PROCEEDING ENTRIES**

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)
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

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 23-0633**

**LEWISON v. ELLMER, et al.**

**40 PROCEEDING ENTRIES**

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