

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0740

ROGUT v. SURPRISE

Appellate Case Information

Case Filed: 21-Nov-2023

Case Closed:

Dept/Composition

Department A

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

Side 1. NATHAN B. ROGUT, Plaintiff/Appellant

(Litigant Group) NATHAN B. ROGUT

- Nathan B Rogut

PRO SE

Side 2. CITY OF SURPRISE, Defendant/Appellee

(Litigant Group) CITY OF SURPRISE

- City of Surprise

Attorneys for: Defendant/Appellee

James M Jellison, Esq. (AZ Bar No. 12763)

Mark J Robens, Esq. (AZ Bar No. 7213)

Rodney States, Esq. (AZ Bar No. 32444)

CASE STATUS

Aug 13, 2024...Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2023-051392, Breach of Contract, Steven C Moss, Authoring Judge of Order.

2 OPEN DUE DATES

Motion for Reconsideration due

Due By: Wednesday, August 28, 2024

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

Petition for Review to ASC due

Due By: Thursday, September 12, 2024

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

CALENDAR

Wednesday MONTHLY COURT CASE CALENDAR
7-Aug-2024 Department A; CONFERENCE ROOM

Mixed

CASE DECISION

13-Aug-2024 MEMORANDUM DECISION

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

Filed: 13-Aug-2024 Mandate:

Table with 1 column: Decision Disposition. Row 1: Affirmed

34 PROCEEDING ENTRIES

- 1. 21-Nov-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 10/23/23
2. 21-Nov-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 21-Nov-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 5-Dec-2023 FILED: Courtesy Copy of Notice of Appeal, filed in Superior Court of Maricopa County 10/23/23; Certificate of Service; Copy of Maricopa County Superior Court Order dated 10/16/2023 re: ruling on motions (Appellant Pro Per)
5. 11-Dec-2023 RECEIPT No.: 2023-01161 ; \$280.00, Authorization: #4504346297, Applied to: NATHAN B. ROGUT - Class A Filing Fee (\$280.00) Paid for: NATHAN B. ROGUT - By nCourt LLC

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0740****ROGUT v. SURPRISE****34 PROCEEDING ENTRIES**

6. 11-Dec-2023 FILED: Application for Deferral Or Waiver of Court Fees Or Costs and Consent to Entry of Judgement; Certificate of Service (Appellant Pro Se)
7. 11-Dec-2023 FILED: Case Management Statement (Appellant Pro Per)
8. 13-Dec-2023 ORDERED: Application for Deferral Or Waiver of Court Fees Or Costs and Consent to Entry of Judgement; Certificate of Service (Appellant Pro Se) = WAIVER DENIED for all filing fees and costs of this case. Amy M Wood - Author
9. 15-Dec-2023 FILED: Appellate Clerk Notice re: No Appellee's Fee Due; Appellant's Brief Due
10. 15-Dec-2023 FILED: Settlement Conference Program Notice
11. 4-Jan-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
12. 10-Jan-2024 FILED: Reporter's Transcript - 08/30/2023 - Status Conference (Kimberly McCright); Notice of Filing Transcripts (Appellant Pro Per)
13. 10-Jan-2024 FILED: Notice of Filing Transcripts (Duplicate); Notice of Filing Transcripts (Duplicate) (Appellant Pro Per)
14. 10-Jan-2024 FILED: Notice of Intent to Record Using Personal Recording Device; Notice of Intent to Record Using Personal Recording Device (Duplicate) (Appellant Pro Per)
15. 10-Jan-2024 FILED: Motion for Extension of Time to File Appellant's Opening Brief and to Exceed Rule 14 Length Restrictions; Motion for Extension of Time to File Appellant's Opening Brief and to Exceed Rule 14 Length Restrictions (Duplicate) (Certificate of Service) (Appellant Pro Per)
16. 12-Jan-2024 ORDERED: Motion To Exceed Rule 14 Length Restriction (Appellant Pro Per) = DENIED. FURTHER ORDERED: Motion For Extension Of Time To File Appellant's Opening Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Monday, 01-22-2024 to Thursday, 03-07-2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
17. 7-Mar-2024 FILED: Appellant's Opening Brief; Appellant's Opening Brief (Duplicate); Appellant's Opening Brief (Duplicate) (Appellant Pro Per)
18. 12-Mar-2024 ORDERED: Appellant must file the certificate of compliance by 03/22/2024. If the certificate is not timely filed, the court may impose sanctions, including striking the opening brief and dismissing this appeal. Barbara Vidal Vaught ProTem Judge - Author
19. 1-Apr-2024 ORDERED: Accepting the opening brief. Melina Brill ProTem Judge - Author
20. 10-Apr-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
21. 16-Apr-2024 FILED: Answering Brief of Defendant-Appellee City of Surprise (Part 1); Certificate of Compliance; Certificate of Service (Appellee)
22. 16-Apr-2024 FILED: Answering Brief Part 2; Certificate of Compliance; Certificate of Service (Appellee)
23. 16-Apr-2024 FILED: Answering Brief Part 3; Certificate of Compliance; Certificate of Service (Appellee)
24. 6-May-2024 FILED: Reply in Support of Plaintiff/Appellant's Opening Brief; Reply in Support of Plaintiff/Appellant's Opening Brief (Duplicate); Reply in Support of Plaintiff/Appellant's Opening Brief (Duplicate) (Appellant Pro Per)
25. 29-May-2024 FILED: Notice to the Court and Motion to Amend the Record on Appeal; Order Denying Qualified Immunity; Motion for Reconsideration; City of Surprise's Response to Plaintiff's Motion for Reconsideration (Appellant Pro Per)
26. 29-May-2024 FILED: Plaintiff's Reply to Defendant City of Surprise's Response to Plaintiff's Motion for Reconsideration; Maricopa County Superior Court ME Filed on 10/24/2023 (Appellant Pro Per)
27. 6-Jun-2024 FILED: Motion for Procedural Order Striking Plaintiff's Notice to the Court and Motion to Amend the Record on Appeal; Certificate of Service (Appellee)
28. 10-Jun-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
29. 20-Jun-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
30. 21-Jun-2024 ORDERED: Motion for Procedural Order Striking Plaintiff's Notice to the Court and Motion to Amend the Record on Appeal (Appellee) = DENIED. FURTHER ORDERED: Taking no action on the notice. FURTHER ORDERED: Notice to the Court and Motion to Amend the Record on Appeal (Appellant Pro Per) = DENIED as unnecessary. Melina Brill ProTem Judge - Author
31. 25-Jun-2024 CLNDR: CONFERENCE, Department A, 8-7-24, CONFERENCE ROOM.
32. 13-Aug-2024 FILED: Decision Distribution Notification

**Court of Appeals, Division One**

**Civil Appeal**

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**34 PROCEEDING ENTRIES**

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| 33. | 13-Aug-2024 | MEMORANDUM DECISION (Affirmed) Hon Paul J McMurdie - Author; Hon Jennifer B Campbell - Concur; Hon Kent E Cattani - Concur |
| 34. | 13-Aug-2024 | FILED: Decision Distribution Notification  |