

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0772

MILLIMAN v. BERREY

Appellate Case Information

Case Filed: 7-Dec-2023

Case Closed:

Dept/Composition

Department A

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

Side 1. MILLIMAN INVESTMENTS LLC, Plaintiff/Appellee

(Litigant Group) MILLIMAN INVESTMENTS LLC

- Milliman Investments LLC

Attorneys for: Plaintiff/Appellee

Timothy H Barnes, Esq. (AZ Bar No. 3373)

Side 2. DAVID BERREY, Defendant/Appellant

(Litigant Group) DAVID BERREY

- David Berrey

Co-Counsel for: Defendant/Appellant

Alexander R Arpad, Esq. (AZ Bar No. 21660)

Gordon S Bueler, Esq. (AZ Bar No. 11415)

CASE STATUS

Sep 3, 2024.....Under Advisement

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Rows include MAR CV2019-001517 and MAR CV2020-003452.

OPEN DUE DATE

Response to Motion due

Due By: Wednesday, September 25, 2024

Re: FILED: Motion to Correct the Record / Notice of Errata; Certificate of Service to Motion to Correct the Record / Notice of Errata (Appellant)

CALENDAR

Calendar entry for Tuesday 3-Sep-2024, Department A, COURTROOM 1, 10:15 AM. Includes participants DAVID BERREY and MILLIMAN INVESTMENTS LLC with 20 min durations.

PENDING MATTER

General Motion

Filed: 11-Sep-2024

Motion to Correct the Record / Notice of Errata (Appellant)

48 PROCEEDING ENTRIES

- 1. 7-Dec-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/09/23
2. 7-Dec-2023 FILED: e-Record on Appeal: (CV2019-001517) Instruments/Minute Entries Exhibits: None
3. 7-Dec-2023 FILED: e-Record on Appeal: (CV2020-003452) Instruments/Minute Entries Exhibits: None
4. 8-Dec-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 8-Dec-2023 FILED: Additional Record on Appeal: Physical Exhibits: Hearing Date 09/19/2022 List # 1 and 2 in a manila envelope
6. 26-Dec-2023 FILED: Request to Correct Caption; Certificate of Service to Request to Correct Caption (Appellant)

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7. 26-Dec-2023 ORDERED: Request to Correct Caption (Appellant) = GRANTED and amending caption to reflect correct spelling of defendant/appellant's last name, "Berrey." Barbara Vidal Vaught ProTem Judge - Author
8. 28-Dec-2023 FILED: Case Management Statement (Appellant)
9. 29-Dec-2023 RECEIPT No.: 2023-01219 ; \$280.00, Authorization: #63009024747, Applied to: DAVID BERREY - Appellant's Filing Fee (\$280.00) Paid for: Alexander R Arpad - By nCourt LLC
10. 29-Dec-2023 RECEIPT No.: 2023-01220 ; \$280.00, Authorization: #63009024747, Applied to: DAVID BERREY - Class A Filing Fee (\$280.00) Paid for: Alexander R Arpad - By nCourt LLC (Memo: X-Ref 2023-01219)
11. 29-Dec-2023 VOID RECEIPT No.: 2023-01219 - \$-280.00, Authorization: #63009024747, - Applied to: DAVID BERREY - Appellant's Filing Fee (\$-280.00) Paid for: Alexander R Arpad - By: nCourt LLC VOID Reason: Incorrect Receivable; x- ref 2023-01220
12. 2-Jan-2024 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
13. 2-Jan-2024 FILED: Settlement Conference Program Notice
14. 30-Jan-2024 FILED: Motion for Judicial Notice; Certificate of Service to Motion for Judicial Notice (Appellant)
15. 6-Feb-2024 FILED: Opening Brief; Certificate of Compliance to Opening Brief; Certificate of Service to Opening Brief (Appellant)
16. 6-Feb-2024 FILED: Reporter's Transcript - 09/19/2022 - Trial Day One (Kimberly C. McCright) (Appellant)
17. 6-Feb-2024 FILED: Reporter's Transcript - 09/20/2022 - Trial Day Two (Kimberly C. McCright) (Appellant)
18. 15-Feb-2024 ORDERED: Motion for Judicial Notice (Appellant) = DENIED as unnecessary. Hon David B Gass - Author
19. 12-Mar-2024 FILED: Motion to Stay Appeal; Certificate of Service to Motion to Stay Appeal (Appellant)
20. 13-Mar-2024 ORDERED: Vacating the 03/18/2024 due date for the answering brief. The order ruling on the pending motion to stay this appeal will address the briefing schedule. Barbara Vidal Vaught ProTem Judge - Author
21. 13-Mar-2024 FILED: Appellee's Motion for Procedural Order to Extend Deadline for Appellee's Answering Brief; Certificate of Service (Appellee)
22. 13-Mar-2024 ORDERED: Appellee's Motion for Procedural Order to Extend Deadline for Appellee's Answering Brief (Appellee) = DENIED as moot. Barbara Vidal Vaught ProTem Judge - Author
23. 18-Mar-2024 FILED: Appellee's Response to Appellant's Motion to Stay Appeal; Certificate of Service (Appellee)
24. 18-Mar-2024 RECEIPT No.: 2024-00270 ; \$140.00, Authorization: #78012422198, Applied to: MILLIMAN INVESTMENTS LLC - Class B Filing Fee (\$140.00) Paid for: Timothy H Barnes - By nCourt LLC
25. 22-Mar-2024 FILED: Reply in Support of Motion to Stay Appeal; Certificate of Service to Reply in Support of Motion to Stay Appeal (Appellant)
26. 28-Mar-2024 ORDERED: Motion to Stay Appeal (Appellant) = DENIED. FURTHER ORDERED: Requiring appellee to file the answering brief by 04/29/2024. If appellee does not file the answering brief timely, the court will submit this appeal for decision on the record and the opening brief. Hon David B Gass - Author
27. 19-Apr-2024 FILED: Notice of Related Appeal and Potential Consolidation; Certificate of Service to Notice of Related Appeal and Potential Consolidation (Appellant)
28. 29-Apr-2024 FILED: Plaintiff/Appellee's Answering Brief; Certificate of Compliance for Appellee's Answering Brief; Certificate of Service (Appellee)
29. 29-Apr-2024 FILED: Notice of Errata; Certificate of Service (Appellee)
30. 29-Apr-2024 FILED: Amended Certificate of Service (Appellee)
31. 7-May-2024 ORDERED: taking no action on Notice of Related Appeal and Potential Consolidation. Melina Brill ProTem Judge - Author
32. 8-May-2024 FILED: Motion for Procedural Order to Extend Time to File Reply Brief; Certificate of Service to Motion for Procedural Order to Extend Time to File Reply Brief (Appellant)
33. 9-May-2024 ORDERED: Motion for Procedural Order to Extend Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 05-20-2024 to Thursday, 05-30-2024. 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
34. 28-May-2024 FILED: Motion to Consolidate Appeals for Oral Argument and Decision; Certificate of Service to Motion to Consolidate Appeals for Oral Argument and Decision (Appellant)

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48 PROCEEDING ENTRIES

35. 30-May-2024 FILED: Reply Brief; Certificate of Compliance to Reply Brief; Certificate of Service to Reply Brief; Order Dismissing Appeal (Courtesy Copy of Order Dismissing Appeal in case no. 1 CA CV 22-0679) (Appellant)
36. 10-Jun-2024 FILED: Flood Control District of Maricopa County's Response to Motion to Consolidate; Certificate of Service of Appellee's Response to Motion to Consolidate (Appellee Flood Control CV 24-0363)
37. 10-Jun-2024 FILED: Request for Oral Argument; Certificate of Service to Request for Oral Argument (Appellant)
38. 12-Jun-2024 FILED: Reply in Support of Motion to Consolidate Appeals for Oral Argument and Decision; Certificate of Service to Reply in Support of Motion to Consolidate Appeals for Oral Argument and Decision (Appellant)
39. 17-Jun-2024 ORDERED: Motion to Consolidate Appeals for Oral Argument and Decision (Appellant) = DENIED. Hon David B Gass - Author
40. 18-Jun-2024 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author
41. 8-Jul-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
42. 18-Jul-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (CV2019-001517)
43. 25-Jul-2024 CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 9-3-24, 10:15 am, COURTROOM 1.
44. 6-Aug-2024 FILED: Notice of Oral Argument
45. 6-Aug-2024 FILED: Return Receipt Re Oral Argument, signed by Timothy Barnes, on 8/6/24 (Appellee)
46. 14-Aug-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Al Arpad on 08/14/2024 (Appellant)
47. 3-Sep-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 9/3/24
48. 11-Sep-2024 FILED: Motion to Correct the Record / Notice of Errata; Certificate of Service to Motion to Correct the Record / Notice of Errata (Appellant)