

Court of Appeals, Division One

Civil Appeal

1 CA-CV 24-0001

DANKO v. WHITING

Appellate Case Information

Case Filed: 2-Jan-2024

Case Closed:

Dept/Composition

Department D

Hon. Michael S Catlett
Hon. Jennifer M Perkins
Hon. Randall M Howe

Side 1. JOHN DANKO, III, Plaintiff/Appellant

(Litigant Group) JOHN DANKO, III

- John Danko, III

PRO SE

Side 2. RICHARD GILES WHITING, Defendant/Appellee

(Litigant Group) RICHARD GILES WHITING

- Richard Giles Whiting

Attorneys for: Defendant/Appellee

J Gary Linder, Esq. (AZ Bar No. 20552)

Elizabeth B N Garcia, Esq. (AZ Bar No. 32209)

CASE STATUS

Aug 27, 2024....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2023-092255, Contract, Rodrick J Coffey, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-24-0206-PR

4 OPEN DUE DATES

Motion for Reconsideration due

Due By: Wednesday, September 11, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Michael S Catlett - Concur; Hon Jennifer M Perkins - Concur

Reply to Attorneys Fees due

Due By: Thursday, September 19, 2024

Re: FILED: Response to Application for Fees and Costs; Response to Application for Fees and Costs (Certificate of Service) (Duplicate) (Appellant Pro Per)

Response to Costs due

Due By: Wednesday, September 25, 2024

Re: FILED: Appellee's Verified Statement of Costs; Certificate of Service (Appellee)

Petition for Review to ASC due

Due By: Thursday, September 26, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Michael S Catlett - Concur; Hon Jennifer M Perkins - Concur

2 PENDING MATTERS

General Motion

Filed: 11-Sep-2024

Appellee's Verified Statement of Costs (Appellee)

General Motion

Filed: 11-Sep-2024

Appellee's Application for Attorneys' Fees (Appellee)

CASE DECISION

27-Aug-2024 MEMORANDUM DECISION

Randall Howe.....Author

Michael Catlett.....Concur

Jennifer Perkins.....Concur

Filed: 27-Aug-2024

Mandate:

Decision Disposition

Affirmed

Court of Appeals, Division One**Civil Appeal****1 CA-CV 24-0001****DANKO v. WHITING****33 PROCEEDING ENTRIES**

1. 2-Jan-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 12/04/23, 12/04/23 (duplicate), 12/6/23 (duplicate), 2/5/24, and 2/5/24 (duplicate), 2/7/24 (duplicate)
2. 2-Jan-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 2-Jan-2024 FILED: Appellate Clerk Notice re: Continuing Waiver of Fees for John Danko, III, Appellant
4. 2-Jan-2024 FILED: Appellate Clerk Notice re: Appellant's Fee Waived/Appellee's Fee Due/Case Management Statement/Brief Due
5. 2-Jan-2024 FILED: Settlement Conference Program Notice
6. 2-Jan-2024 FILED: Case Management Statement (Appellant Pro Per)
7. 9-Jan-2024 FILED: Motion to Continue Stay for Final Signed Order in Accordance [sic] with ARCP 54(C); Motion to Continue Stay for Final Signed Order in Accordance with ARCP 54(C) (Duplicate) (Certificate of Service) (Appellant Pro Per)
8. 9-Jan-2024 ORDERED: (per Sorensen v. Farmers) staying appeal until 02/09/2024. Signed order with certification of finality pursuant to Rule 54(c) due within 10 days after its entry. If appeal reinstated by filing of signed order, opening brief due 03/11/2024. Barbara Vidal Vaught ProTem Judge - Author
9. 10-Jan-2024 ORDERED: Motion to Continue Stay for Final Signed Order in Accordance with ARCP 54(C) (Appellant Pro Per) = DENIED without prejudice to appellant filing a new motion to continue the stay if the superior court has not entered a signed Rule 54(c) judgment before 02/09/2024. Barbara Vidal Vaught ProTem Judge - Author
10. 17-Jan-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
11. 17-Jan-2024 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee)
12. 23-Jan-2024 RECEIPT No.: 2024-00067 ; \$140.00, Authorization: #23011703739, Applied to: RICHARD GILES WHITING - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By nCourt LLC
13. 24-Jan-2024 FILED: Motion to Continue Stay for Final Signed Order in Accordance [sic] with ARCP 54(C) (Duplicate) (Appellant Pro Per)
14. 5-Feb-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes signed rule 54(c) judgment)
15. 22-Feb-2024 FILED: Opening Brief of the Appellant; Certificate of Compliance; Opening Brief of the Appellant (Duplicate) (Appellant Pro Per)
16. 5-Mar-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
17. 6-Mar-2024 FILED: Opening Brief of the Appellant (Duplicate) (Appellant Pro Per)
18. 6-Mar-2024 FILED: Certificate of Compliance (Duplicate) (Appellant Pro Per)
19. 8-Apr-2024 FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
20. 9-Apr-2024 FILED: Reply Brief of The Appellant (Request for Oral Argument); Certificate of Compliance; Reply Brief of The Appellant (Request For Oral Argument) (Certificate of Service) (Duplicate) (Appellant Pro Per)
21. 10-Apr-2024 FILED: Reply Brief of The Appellant (Request for Oral Argument) (Duplicate) (Appellant Pro Per)
22. 10-Apr-2024 FILED: Certificate of Compliance (Duplicate) (Appellant Pro Per)
23. 8-May-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
24. 17-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
25. 25-Jun-2024 CLNDR: CONFERENCE, Department D, 8-14-24, CONFERENCE ROOM.
26. 27-Aug-2024 FILED: Motion for Relief from Judgment Dated 08/27/2024; Motion for Relief from Judgment Dated 08/27/2024 (Duplicate) (Certificate of Service) (Appellant Pro Per)
27. 27-Aug-2024 MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Michael S Catlett - Concur; Hon Jennifer M Perkins - Concur
28. 27-Aug-2024 FILED: Decision Distribution Notification
29. 28-Aug-2024 FILED: Motion for Relief From Judgment Dated 08/27/2024 (Duplicate) (Appellant Pro Per)
30. 28-Aug-2024 ORDERED: Motion for Relief from Judgment Dated 08/27/2024 (Appellant Pro Per) = DENIED. Hon Randall M Howe - Author

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33 PROCEEDING ENTRIES

- 31. 11-Sep-2024 FILED: Appellee's Application for Attorneys' Fees; Certificate of Service (Appellee)
- 32. 11-Sep-2024 FILED: Appellee's Verified Statement of Costs; Certificate of Service (Appellee)
- 33. 12-Sep-2024 FILED: Response to Application for Fees and Costs; Response to Application for Fees and Costs (Certificate of Service) (Duplicate) (Appellant Pro Per)