

Court of Appeals, Division One

Civil Appeal

1 CA-CV 24-0084

VESPER v. THE BANK OF NY

Appellate Case Information

Case Filed: 7-Feb-2024
Case Closed: 13-Aug-2024

Dismissal

Dept/Composition

Side 1. VESPER PROPERTIES, LLC, Plaintiff/Appellee

(Litigant Group) VESPER PROPERTIES, LLC

- Vesper Properties LLC

Attorneys for: Plaintiff/Appellee

Nathanael J Scheer, Esq. (AZ Bar No. 23815)

Side 2. THE BANK OF NEW YORK MELLON, Defendant/Appellant

(Litigant Group) THE BANK OF NEW YORK MELLON

- The Bank of New York Mellon

Attorneys for: Defendant/Appellant

Teresa M Beck, Esq. (AZ Bar No. 24114)
Collette Nicole Pelcic, Esq. (AZ Bar No. 29503)

Side 3. SEAN MURPHY, Intervenor

(Litigant Group) SEAN MURPHY

- Sean Murphy

Attorneys for: Intervenor

Scott A Malm, Esq. (AZ Bar No. 18484)

CASE STATUS

Aug 13, 2024....Case Closed

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2021-090244, Quiet Title, Brian Kaiser, Authoring Judge of Order.

2 OPEN DUE DATES

Motion for Reconsideration due Due By: Wednesday, August 28, 2024

Re: ORDERED: Notice of Settlement and Motion to Dismiss Appeal (Appellant) = GRANTED lifting the stay, and dismissing this appeal. Melina Brill ProTem Judge - Author

Petition for Review to ASC due Due By: Thursday, September 12, 2024

Re: ORDERED: Notice of Settlement and Motion to Dismiss Appeal (Appellant) = GRANTED lifting the stay, and dismissing this appeal. Melina Brill ProTem Judge - Author

CASE DECISION

13-Aug-2024 ORDER

ORDERED: Notice of Settlement and Motion to Dismiss Appeal (Appellant) = GRANTED lifting the stay, and dismissing this appeal.

Table with 2 columns: Filed: 13-Aug-2024, Mandate: Decision Disposition Dismissed

Melina Brill.....Author

23 PROCEEDING ENTRIES

- 1. 7-Feb-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/09/24
2. 7-Feb-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 7-Feb-2024 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 9-Feb-2024 RECEIPT No.: 2024-00124 ; \$280.00, Check Number: #55525, Applied to: THE BANK OF NEW YORK MELLON - Class A Filing Fee (\$280.00) Paid for: Klinedinst PC - By Klinedinst Attorneys
5. 13-Feb-2024 FILED: Reporter's Transcript - 04/07/2021 - Hearing on Application for Default (Kimberly McCright) (Appellant)
6. 13-Feb-2024 FILED: Reporter's Transcript - 03/27/2023 - Hearing on Motion to Set Aside Default Judgment (Kimberly McCright) (Appellant)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 24-0084****VESPER v. THE BANK OF NY****23 PROCEEDING ENTRIES**

7. 13-Feb-2024 FILED: Narrative Statement Re Portion of Missing Record from 12/12/2023 Proceeding (Courtesy Copy); Certificate of Service (Appellant)
8. 13-Feb-2024 FILED: Reporter's Transcript - 12/12/2023 - Oral Argument (Kimberly McCright) (Appellant)
9. 16-Feb-2024 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
10. 16-Feb-2024 FILED: Settlement Conference Program Notice
11. 22-Feb-2024 ORDERED: (per Sorensen v. Farmers) staying appeal until 03/25/2024. 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, case management statement due 04/04/2024 and opening brief due 04/24/2024. Melina Brill ProTem Judge - Author
12. 26-Mar-2024 FILED: Motion to Continue Stay of Appeal; Certificate of Service (Appellant)
13. 28-Mar-2024 ORDERED: Motion to Continue Stay of Appeal (Appellant) = GRANTED in part and continuing the stay of this appeal until 05/09/2024. FURTHER ORDERED: The case management statement is due by 05/20/2024, and the opening brief is due by 06/10/2024. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
14. 25-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes Maricopa County Superior Court Order re: Rule 54 (c))
15. 2-May-2024 FILED: Motion to Continue Stay of Appeal; Certificate of Service (Appellant)
16. 3-May-2024 ORDERED: Motion to Continue Stay of Appeal (Appellant) = GRANTED and continuing the stay of this appeal until 06/10/2024. FURTHER ORDERED: The case management statement is due by 06/21/2024, and the opening brief is due by 07/11/2024. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
17. 7-Jun-2024 FILED: Motion to Continue Stay of Appeal; Certificate of Service (Appellant)
18. 10-Jun-2024 ORDERED: Motion to Continue Stay of Appeal (Appellant) = GRANTED and continuing the stay of this appeal until 07/10/2024. FURTHER ORDERED: The case management statement is due by 07/22/2024, and the opening brief is due by 08/12/2024. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
19. 10-Jul-2024 FILED: Motion to Continue Stay of Appeal; Certificate of Service (Appellant)
20. 10-Jul-2024 ORDERED: Motion to Continue Stay of Appeal (Appellant) = GRANTED and continuing stay until 08/12/24. FURTHER ORDERED: Case management statement due 08/22/24, opening brief due 09/12/24. If brief is not timely filed, court will dismiss appeal. Barbara Vidal Vaught ProTem Judge - Author
21. 13-Aug-2024 FILED: Notice of Settlement and Motion to Dismiss Appeal; Certificate of Service (Appellant)
22. 13-Aug-2024 ORDERED: Notice of Settlement and Motion to Dismiss Appeal (Appellant) = GRANTED lifting the stay, and dismissing this appeal. Melina Brill ProTem Judge - Author
23. 13-Aug-2024 FILED: Letter, 08/13/2024, Certified Copy of Order lifting stay and dismissing appeal. No physical record to be returned to clerk, Maricopa County Superior Court.