

Court of Appeals, Division One

Civil Appeal

1 CA-CV 24-0110

ELI, et al. v. PROCACCIANTI, et al.

Appellate Case Information

Case Filed: 20-Feb-2024

Case Closed:

Dept/Composition

Consolidated with: 1 CA-CV 24-0095 1 CA-CV 24-0108 1 CA-CV 24-0114

Side 1. ZADOK ELI, et al., Plaintiff/Appellant

(Litigant Group) ZADOK ELI, et al.

- Zadok Eli PRO SE
Hana Eli PRO SE

Side 2. PROCACCIANTI AZ II, LP, et al., Defendant/Appellee

(Litigant Group) PROCACCIANTI AZ II, LP

- Procaccianti AZ II LP
Attorneys for: Defendant/Appellee Procacciant
Andrew M Federhar, Esq. (AZ Bar No. 6567)
Jessica Anne Gale, Esq. (AZ Bar No. 30583)

(Litigant Group) HILTON CASITAS COUNCIL HOMEOWNERS

- Hilton Casitas Council of Homeowners
Attorneys for: Defendant/Appellee Hilton
R Corey Hill, Esq. (AZ Bar No. 12188)
Ginette M Hill, Esq. (AZ Bar No. 18272)
Christopher Robbins, Esq. (AZ Bar No. 11064)

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2012-051066, Breach of Contract, Melissa Iyer Julian, Authoring Judge of Order.

3 OPEN DUE DATES

Reply to Motion due Due By: Wednesday, September 18, 2024

Re: * FILED: Intervenor/Appellee Procaccianti AZ II, L.P.'s Response to Notice of Intervenor's Improper Service and Request for an Order of Compliance with ARCAP Rule 4(F); Intervenor/Appellee Procaccianti AZ II, L.P.'S Certificate of Service of Response to N

Opening Brief due Due By: Friday, September 20, 2024

Re: FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due

[1 extension]

Response to Motion to Exceed due Due By: Wednesday, September 25, 2024

Re: Joinder to Motion for Procedural Order to Extend the Opening Brief Deadline by Two Weeks and to Extend the Word Limitation (Appellants Pro Per)

CALENDAR

Friday MOTION CALENDAR
6-Sep-2024 Department M;

File date: 8/16/2024..... * Intervenor/Appellee Procaccianti AZ II, L.P.'s Request for Service by Email and Mail (Intervenor/Appellee)

DECISION RENDERED: See proceeding entry for ORDER dated 9-Sep-2024 for more information...

PENDING MATTER

General Motion Filed: 6-Sep-2024

* Notice of Intervenor's Inproper

43 PROCEEDING ENTRIES

1. 20-Feb-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/22/24

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2. 20-Feb-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 22-Feb-2024 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 29-Feb-2024 RECEIPT No.: 2024-00196 ; \$280.00, Check Number: #2045, Applied to: ZADOK ELI, et al. - Class A Filing Fee (\$280.00) Paid for: ZADOK ELI, et al. - By Zadok Eli
5. 4-Mar-2024 FILED: Appellate Clerk Notice re: Appellee's Fee's; Appellant's Brief/Case Management Statement Due
6. 4-Mar-2024 FILED: Settlement Conference Program Notice
7. 5-Mar-2024 FILED: Appellee Procaccianti AZ II, L.P.'s Notice of Payment of Filing Fee; Certificate of Service of Appellee Procaccianti AZ II, L.P.'s Notice of Payment of Filing Fee (Appellee Procaccianti)
8. 5-Mar-2024 FILED: Notice of Appellee's Filing Fee for Hilton Casitas Counsel of Homeowners; Certificate of Service (Appellee Hilton)
9. 11-Mar-2024 RECEIPT No.: 2024-00235 ; \$140.00, Authorization: 71014254320, Applied to: PROCACCIANTI AZ II, LP - Class B Filing Fee (\$140.00) Paid for: Spencer Fane LLP - By nCourt LLC
10. 11-Mar-2024 RECEIPT No.: 2024-00236 ; \$140.00, Authorization: 71014254320, Applied to: HILTON CASITAS COUNCIL CO-OWNERS - Class B Filing Fee (\$140.00) Paid for: HILTON CASITAS COUNCIL CO-OWNERS - By nCourt LLC
11. 11-Mar-2024 RECEIPT No.: 2024-00243 ; \$140.00, Authorization: 71014254320, Applied to: HILTON CASITAS COUNCIL CO-OWNERS - Class B Filing Fee (\$140.00) Paid for: Hill Hall & DeCiancio PLC - By nCourt LLC (Memo: x-ref 2024-00236)
12. 11-Mar-2024 VOID RECEIPT No.: 2024-00236 - \$-140.00, Authorization: 71014254320, - Applied to: HILTON CASITAS COUNCIL CO-OWNERS - Class B Filing Fee (\$-140.00) Paid for: HILTON CASITAS COUNCIL CO-OWNERS - By: nCourt LLC VOID Reason: X-Ref: 2024-00243. incorrect paid for. ala.
13. 11-Mar-2024 FILED: Procedural Combined Motion to Consolidate 1 CA-CV 24-0108, 1 CA-CV 24-0110, 1 CA-CV 24-0114 with 1 CA-CV 24-00095 [sic] (Appellants Pro Per)
14. 11-Mar-2024 FILED: Combined Acceptance of the Court of Appeals' Settlement Conference Program (Appellants Pro Per)
15. 15-Mar-2024 FILED: Procaccianti's Joinder in Appellants Motion to Consolidate 1-CA-CV-0108, 1-CA-CV-24-0110 and 1-CA-CV-0114 with 1-CA-CV-0095; Certificate of Service of Procaccianti's Joinder in Appellants [sic] Motion to Consolidate 1-CA-CV-0108, 1-CA-CV-24-0110 and 1-CA-CV-0114 with 1-CA-CV-0095 (Appellee Procaccianti)
16. 18-Mar-2024 FILED: Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals and Motion to Correct Caption in Appeals; Certificate of Service - Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals -and Motion to Correct Caption in Appeals (Appellee)
17. 25-Mar-2024 FILED: Appellant's Joinder to Reply to Joinder to the Motion to Consolidate 1 CA-CV 24-0108, 1 CA-CV 24-0110, 1 CA-CV 24-0114 with 1 CA-CV 24-00095 and Response to Motion to Correct Caption in Appeals (Appellant Pro Per)
18. 28-Mar-2024 ORDERED: Procedural Combined Motion to Consolidate 1 CA-CV 24-0108, 1 CA-CV 24-0110, 1 CA-CV 24-0114 with 1 CA-CV 24-00095 = DENIED. FURTHER ORDERED: Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals and Motion to Correct Caption in Appeals (Appellee) = GRANTED in part and amending the docket in this appeal by changing appellee "Hilton Casitas Council of Co-Owners" to "Hilton Casitas Council of Homeowners." FURTHER ORDERED: The case management statement must be filed by 04/08/2024. The opening brief remains due by 04/22/2024. If appellants do not file the statement and brief timely, the court will dismiss this appeal. Hon David B Gass - Author
19. 4-Apr-2024 FILED: Case Management Statement (Appellant Pro Per)
20. 5-Apr-2024 FILED: Case Management Statement Amendment (Notice of Errata to Case Management Statement) (Appellant Pro Per)
21. 11-Apr-2024 FILED: Motion for a Procedural [sic] Order of Continuance Pending Decisions on Motions to Reinstate in 1CA-CV 24-0095, 1 CA-CV 24-0108 and 1 CA-CV 24-0114 (Appellants Pro Per)
22. 17-Apr-2024 FILED: Appellee Procaccianti Az li, L.P.'S Response to Elis' Motion for a Procedural Order of Continuance Pending Decisions on Motions to Reinstate in 1- CA-CV-24-0095, 1-CA-CV-24-0108 and 1-CA-CV-24-0114; Certificate of Service Appellee Procaccianti Az li, L.P.'S Response to Elis' Motion for a Procedural Order of Continuance Pending Decisions on Motions to Reinstate in 1-CA-CV-24-0095, 1-CA-CV-24-0108 and 1-CA-CV-24-0114 (Appellee Procaccianti)
23. 19-Apr-2024 ORDERED: Motion for a Procedural [sic] Order of Continuance Pending Decisions on Motions to Reinstate in 1CA-CV 24-0095, 1 CA-CV 24-0108 and 1 CA-CV 24-0114 (Appellants Pro Per) = GRANTED and vacating the 04/22/2024 due date for the opening brief. After the court rules on the motion to reinstate in 1 CA-CV 24-0095, 1 CA-CV 24-0108, and 1 CA-CV 24-0114, the court will set a due date to file the opening brief. Hon David B Gass - Author

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24. 1-May-2024 ORDERED: Staying this appeal pending further order. FURTHER ORDERED: Directing appellants to file a status report concerning the motions to reinstate by 06/28/2024, if the stay is not lifted before that date. Melina Brill ProTem Judge - Author
25. 7-Jun-2024 FILED: Copy of Maricopa County Superior Court Order dated 06/03/2024 re: motion to reinstate
26. 26-Jun-2024 FILED: Appellants' Status Report Concerning the Motions to Reinstate in 1 CA-CV 24-0095 1 CA-CV 24-0108 and 1 CA-CV 24-0114 (Appellants Pro Per)
27. 19-Jul-2024 ORDERED: Motion to Reinstate the Appeal of 1 CA-CV 24-0095 (Appellants); Combined Motion to Reinstate 1 CA-CV 24-0108 and 1 CA-CV 24-0114 (Appellants Pro Per) = GRANTED and reinstating appeals 1 CA-CV 24-0095, 1 CA-CV 24-0108, and 1 CA-CV 24-0114. FURTHER ORDERED: vacating the 3/28/24 orders dismissing 1 CA-CV 24-0095, 1 CA-CV 24-0108, and 1 CA-CV 24-0114. FURTHER ORDERED: consolidating appeals 1 CA-CV 24-0095, 1 CA-CV 24-0108, 1 CA-CV 24-0110, and 1 CA-CV 24-0114. FURTHER ORDERED: lifting the stay of this consolidated appeal. FURTHER ORDERED: requiring appellants file case management statements by 7/31/24. FURTHER ORDERED: requiring appellants file opening briefs by 8/27/24. If appellants do not file opening briefs timely, the court will dismiss the consolidated appeal. Hon David B Gass - Author
28. 31-Jul-2024 FILED: Amended Case Management Statement; Certificate of Service - Amended Case Management Statement (Appellant)
29. 1-Aug-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
30. 2-Aug-2024 FILED: Request to Postpone the Opening Brief Deadline Until After the Maricopa County Clerk of the Superior Court Supplements the Elelctronic [sic] Index of Record (Appellant Pro Per)
31. 2-Aug-2024 ORDERED: Vacating the 08/27/2024 due date for opening brief. Order ruling on pending motion will set a due date to file the opening brief. Melina Brill ProTem Judge - Author
32. 16-Aug-2024 FILED: Intervenor/Appellee Procaccianti AZ II, L.P.'s Request for Service by Email and Mail; Intervenor/Appellee Procaccianti AZ II, L.P.'S Certificate of Service of Request for Service by Email and Mail; Order Granting Intervenor/Appellee Procaccianti AZ II, L.P.'S Request for Service by Email and Mail (Proposed Order) (Intervenor/Appellee)
33. 21-Aug-2024 ORDERED: Request to Postpone the Opening Brief Deadline Until After the Maricopa County Clerk of the Superior Court Supplements the Elelctronic = GRANTED. FURTHER ORDERED: Opening briefs are due by 09/20/2024. If the briefs are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
34. 29-Aug-2024 FILED: Response to Intervenor's Request for Service Via Mail and Email (Appellant Pro Per)
35. 5-Sep-2024 FILED: Intervenor/Appellee Procaccianti AZ II, L.P.'s Reply to Response to Request for Service by Email and Mail; Intervenor/Appellee Procaccianti AZ II, L.P.'S Certificate of Service of Request for Service by Email and Mail (Intervenor/Appellee)
36. 6-Sep-2024 FILED: Appellant Elis' Rule 3 (b) Motion to Stay the Appeal in Case 1CA-CV24-0110, and Revest Jurisdiction in the Superior Court to Consider a Rule 60 (b)(5) Motion based on the August 2023 Ruling in LC2022-000424 (Appellant Eli Pro Per)
37. 6-Sep-2024 FILED: Notice of Intervenor's Inproper [sic] Service and Request for an Order of Compliance with ARCAP Rule 4(F)(Appellant Whitmer Pro Per)
38. 9-Sep-2024 ORDERED: Intervenor/Appellee Procaccianti AZ II, L.P.'s Request for Service by Email and Mail (Intervenor/Appellee) = DENIED in the court's discretion. FURTHER ORDERED: The court will consider a new motion for service via email if future service issues arise. Hon David B Gass - Author
39. 9-Sep-2024 ORDERED: Appellant Elis' Rule 3 (b) Motion to Stay the Appeal in Case 1CA-CV24-0110, and Revest Jurisdiction in the Superior Court to Consider a Rule 60 (b)(5) Motion based on the August 2023 Ruling in LC2022-000424 (Appellant Pro Per Eli) = DENIED. Hon David B Gass - Author
40. 11-Sep-2024 Joinder to Motion for Procedural Order to Extend the Opening Brief Deadline by Two Weeks and to Extend the Word Limitation (Appellants Pro Per)
41. 11-Sep-2024 FILED: Intervenor/Appellee Procaccianti AZ II, L.P.'s Response to Motion for Procedural Order to Extend the Opening Brief Deadline by Two Weeks and to Extend the Word Limitation; Intervenor/Appellee Procaccianti AZ II, L.P.'s Certificate of Service of Response to Motion for Procedural Order to Extend the Opening Brief Deadline by Two Weeks and to Extend the Word Limitation (Intervenor)
42. 11-Sep-2024 FILED: Intervenor/Appellee Procaccianti AZ II, L.P.'s Response to Notice of Intervenor's Improper Service and Request for an Order of Compliance with ARCAP Rule 4(F); Intervenor/Appellee Procaccianti AZ II, L.P.'S Certificate of Service of Response to Notice of Intervenor's Improper Service and Request for an Order of Compliance with ARCAP Rule 4(F) (Intervenor)
43. 13-Sep-2024 Reply to Intervenor's Response of Inproper [sic] Service and Request for an Order of Compliance with ARCAP Rule 4(F) (Appellants Pro Per)