

Court of Appeals, Division One

Civil - Probate Case

1 CA-CV 24-0323 PB

LO PROTO v. FUENTES/EAST VALLEY FIDUCIARY SERVICES

Appellate Case Information

Case Filed: 2-May-2024

Case Closed:

Dept/Composition

Side 1. In re the Matter of the Estate of:

EDDIE J. FUENTES,

Deceased.

MICHAEL J. LO PROTO, Petitioner/Appellee

(Litigant Group) MICHAEL J. LO PROTO

- Michael J Lo Proto

Attorneys for: Petitioner/Appellee

Laura Morrison Trujillo, Esq. (AZ Bar No. 24209)

Michael L Kitchen, Esq. (AZ Bar No. 19848)

James Christopher Golden, Esq. (AZ Bar No. 35895)

Side 2. WENDY FUENTES, Respondent/Appellant

(Litigant Group) WENDY FUENTES

- Wendy Fuentes

Attorneys for: Respondent/Appellant

Keith Jerome Kelsey, Jr., Esq. (AZ Bar No. 35734)

Side 3. EAST VALLEY FIDUCIARY SERVICES, INC., as Personal Representative Of the Estate of Eddie J. Fuentes

, Appellee

(Litigant Group) EAST VALLEY FIDUCIARY SERVICES, INC.

- East Valley Fiduciary Services Inc

Attorneys for: Appellee

Andre H Merrett, Esq. (AZ Bar No. 20889)

CASE STATUS

Aug 5, 2024.....Stayed (until 10/11/24)

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR PB2023-000949, Application for Informal Appointment of Personal Representative, Joseph M Rhoades, Authoring Judge of Order.

2 OPEN DUE DATES

Court Ordered Document due Due By: Thursday, October 10, 2024

Re: * ORDERED: Motion for Suspension/Stay & Temporary Divesting of Jurisdiction (Appellant) = GRANTED in part and staying appeal until 09/05/2024, revesting jurisdiction in superior court and authorizing that court to consider all pending motions, including t

Opening Brief due Due By: Tuesday, November 12, 2024

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

16 PROCEEDING ENTRIES

- 1. 2-May-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/04/24
2. 2-May-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 2-May-2024 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 16-May-2024 FILED: Notice of Appearance on Behalf of Respondent/Appellant; Certificate of Service (Appellant)
5. 23-May-2024 RECEIPT No.: 2024-00508 ; \$280.00, Authorization: # 44006744435, Applied to: WENDY FUENTES - Class A Filing Fee (\$280.00) Paid for: Desert Canyon Law PLLC - By nCourt, LLC

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16 PROCEEDING ENTRIES

6. 24-May-2024 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
7. 5-Jun-2024 FILED: Notice of Payment of Filing Fee; Certificate of Mailing Notice of Payment of Filing Fees (Appellee)
8. 6-Jun-2024 FILED: Case Management Statement (Appellant)
9. 11-Jun-2024 RECEIPT No.: 2024-00557 ; \$140.00, Authorization: #63010188739, Applied to: MICHAEL J. LO PROTO - Class B Filing Fee (\$140.00) Paid for: Sacks Tierney PA - By nCourt LLC
10. 1-Jul-2024 FILED: Motion for Suspension/Stay & Temporary Divesting of Jurisdiction; Certificate of Service (Appellant)
11. 1-Jul-2024 ORDERED: Vacating the 07/01/2024 due date for the opening brief. The order ruling on the pending motion for suspension will set a due date to file the opening brief. Steven C Lawrence ProTem Judge - Author
12. 11-Jul-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Appeal filed 6/12/24)
13. 15-Jul-2024 FILED: Response to Appellant's Motion for Suspension/Stay & Temporary Divesting of Jurisdiction; Certificate of Mailing (Appellee)
14. 5-Aug-2024 ORDERED: Motion for Suspension/Stay & Temporary Divesting of Jurisdiction (Appellant) = GRANTED in part and staying appeal until 09/05/2024, reverting jurisdiction in superior court and authorizing that court to consider all pending motions, including the Rule 60 motion and the supplemental application for attorney fees. FURTHER ORDERED: Stay will be lifted automatically on 09/06/2024 unless appellant files motion to continue stay of appeal. FURTHER ORDERED: Appellant must file notice with ruling attached within 10 days after the superior court rules on the motions. FURTHER ORDERED: If a party wants this court to review additional rulings, party must file timely notice of appeal or amended notice of appeal. FURTHER ORDERED: Opening brief due by 10/07/2024. If brief not timely filed, court will dismiss this appeal. FURTHER ORDERED: Amending the caption and docket in this appeal by adding East Valley Fiduciary Services, Inc., as a party to this appeal. The parties must use the caption on this order on all future documents filed in this appeal. Hon David B Gass - Author
15. 5-Sep-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes order dated 08/16/2024)
16. 10-Sep-2024 ORDERED: Continuing stay of this appeal until 10/10/2024, and authorizing the superior court to consider a motion for a signed order corresponding to its minute entry order dated 08/15/2024, and filed 08/16/2024. FURTHER ORDERED: Appellant must file a motion asking the superior court to enter an order with a proposed order attached. FURTHER ORDERED: The stay will be lifted automatically on 10/11/2024, unless before that date appellant files a motion to continue the stay. FURTHER ORDERED: If a party wants this court to review the minute entry ruling, a timely notice of appeal or amended notice of appeal must be filed. FURTHER ORDERED: The opening brief is due by 11/12/2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author