

Court of Appeals, Division One

Civil Appeal

1 CA-CV 24-0655

MESTRO, et al. v. PASIONEK

Appellate Case Information

Case Filed: 5-Sep-2024

Case Closed:

Dept/Composition

Department D

Hon. David B Gass
Hon. Michael J Brown
Hon. Andrew J Becke

Side 1. JOE MESTRO, et al., Plaintiff/Appellee

(Litigant Group) JOE MESTRO, et al.

- Joe Mestro
Geri Mestro
Mestro Family Trust, Dated 10/20/1998

Attorneys for: Plaintiff/Appellee

Carlton C Casler, Esq. (AZ Bar No. 13182)

Side 2. ROBERT A. PASIONEK, Defendant/Appellant

(Litigant Group) ROBERT A. PASIONEK and CHERYL PASIONEK

- Robert A Pasionek PRO SE
Cheryl A Pasionek PRO SE

CASE STATUS

Feb 6, 2026.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE (S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2022-000396, Eviction Action, Brian J Palmer, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-25-0340-PR

CASE DECISION

14-Aug-2025 MEMORANDUM DECISION

Michael Brown.....Author
David Gass.....Concur
Andrew Becke.....Concur

Filed: 14-Aug-2025 Mandate:

Table with 1 column: Decision Disposition. Value: Affirmed

41 PROCEEDING ENTRIES

- 1. 5-Sep-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 08/07/24
2. 5-Sep-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 5-Sep-2024 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 12-Sep-2024 FILED: Notice of Payment for Appellants' [sic] Filing Fee \$280; Notice of Payment for Appellants' [sic] Filing Fee \$280 (Certificate of Service) (Duplicate) (Appellant Pro Per)
5. 18-Sep-2024 RECEIPT No.: 2024-00945 ; \$280.00, Authorization: 62004620966, Applied to: ROBERT A. PASIONEK - Class A Filing Fee (\$280.00) Paid for: ROBERT A. PASIONEK - By nCourt LLC
6. 24-Sep-2024 FILED: Case Management Statement (Appellant Pro Per)
7. 2-Oct-2024 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
8. 2-Oct-2024 FILED: Settlement Conference Program Notice
9. 3-Oct-2024 FILED: Notice of Payment of Appellees' Filing Fee; Certification of Service (Appellee)
10. 8-Oct-2024 RECEIPT No.: 2024-01010 ; \$140.00, Authorization: 82010574579, Applied to: JOE MESTRO, et al. - Class B Filing Fee (\$140.00) Paid for: Casler Law Office PLLC - By nCourt LLC
11. 21-Oct-2024 FILED: Motion for Extension of Time to File Opening Brief; Motion for Extension of Time to File Opening Brief (Duplicate) (Certificate of Service) (Appellant Pro Per)

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12. 22-Oct-2024 ORDERED: Motion for Extension of Time to File Opening Brief (Appellant Pro Per) = GRANTED and extending the time to file the opening brief from 11/04/2024 to 12/04/2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
13. 27-Nov-2024 FILED: Emergency Request to Increase the Word Allowance to 20,000 Words; Emergency Request to Increase the Word Allowance to 20,000 Words (Certificate of Service) (Duplicate) (Appellant Pro Per)
14. 27-Nov-2024 ORDERED: Vacating the 12/04/2024 due date for the opening brief. The order ruling on the pending emergency request to increase the word allowance will set a due date to file the opening brief. Steven C Lawrence ProTem Judge - Author
15. 29-Nov-2024 FILED: Notice of Transmittal for Transcript #1- Initial Hearing on 1-19-2022 and Transcript #2- Eviction Trial on 12-14-23; Reporter's Transcript - 01/19/2022 - Telephonic Forcible Detainer Hearing (Elizabeth Decker/John Buckley); Reporter's Transcript - 12/14/2023 - Trial to the Court (Lisa Beck) (Appellant Pro Per)
16. 18-Dec-2024 ORDERED: Emergency Request to Increase the Word Allowance to 20,000 Words (Appellant Pro Per) = DENIED. FURTHER ORDERED allowing until 01/17/2025, to file a brief that does not exceed the length permitted by Rule 14(a). If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
17. 17-Jan-2025 FILED: Appellants' [sic] Opening Brief; Certificate of Compliance re: Appellants' [sic] Opening Brief; Certificate of Service re: Appellants' [sic] Opening Brief (Appellant Pro Per)
18. 17-Jan-2025 FILED: Part-I Exhibits A-H; Certificate of Service re: Appellants' [sic] Opening Brief; Part II- Exhibits I-K; Part III- Exhibits L & M (Appellant Pro Per)
19. 25-Feb-2025 FILED: Answering Brief of Plaintiffs/Appellees Joe and Geri Mestro; Certificate of Compliance for Answering Brief of Plaintiffs/Appellees Joe and Geri Mestro; Certification of Service (Appellees)
20. 5-Mar-2025 FILED: Emergency Motion for Extension of Time to File a Reply to Appellees' Answer (Brief); Emergency Motion for Extension of Time to File a Reply to Appellees' Answer (Certificate of Service)(Duplicate) (Appellant Pro Per)
21. 6-Mar-2025 ORDERED: Emergency Motion for Extension of Time to File a Reply to Appellees' Answer (Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 03-17-2025 to Monday, 04-07-2025. 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
22. 7-Apr-2025 FILED: Appellants' [sic] Reply Brief; Certificate of Compliance re: Appellants' [sic] Reply [sic] Brief (Certificate of Service re: Appellants' [sic] Reply Brief); Reporter's Transcript - 12/14/2023 - Trial of the Court (Lisa Beck); Exhibit A-E (Appellant Pro Per)
23. 7-Apr-2025 FILED: Exhibit I-M; Appellants' [sic] Opening Brief (Courtesy Copy); Exhibit H; Appellants' Opening Brief (Courtesy Copy from 1 CA-CV 22-0218) (Appellant Pro Per)
24. 20-May-2025 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
25. 24-May-2025 CLNDR: CONFERENCE, Department D, 7-23-25, CONFERENCE ROOM.
26. 30-May-2025 FILED: Supplemented Superior Court e-Record with Revised Index of Record
27. 14-Aug-2025 MEMORANDUM DECISION (Affirmed) Hon Michael J Brown - Author; Hon David B Gass - Concur; Hon Andrew J Becke - Concur
28. 14-Aug-2025 FILED: Decision Distribution Notification
29. 25-Aug-2025 FILED: Statement of Attorneys' Fees and Costs; Certification of Service; Schedule A to Affidavit of Carlton C. Casler (Appellee)
30. 28-Aug-2025 FILED: Emergency Motion for Extension of Time to File a Motion for Reconsideration for Court of Appeals' Ruling Dated August 14, 2025; Emergency Motion for Extension of Time to File a Motion for Reconsideration for Court of Appeals' Ruling Dated August 14, 2025 (Duplicate) (Certificate of Service) (Appellant Pro Per)
31. 28-Aug-2025 ORDERED: Emergency Motion for Extension of Time to File a Motion for Reconsideration for Court of Appeals' Ruling Dated August 14, 2025 (Appellant Pro Per) = GRANTED. Due date EXTENDED from Friday, 08-29-2025 to Thursday, 09-18-2025. No further extension of time will be granted. Hon Michael J Brown - Author
32. 19-Sep-2025 FILED: Appellants' Motion for Reconsideration; Certificate of Compliance; Certificate of Compliance (Duplicate) (Certificate of Service) (Appellant Pro Per)
33. 19-Sep-2025 FILED: List of Exhibits; Notice (Appellant Pro Per)
34. 5-Dec-2025 ORDERED: Appellants' Motion for Reconsideration (Appellant Pro Per) = DENIED. FURTHER ORDERED: Statement of Attorneys' Fees and Costs (Appellee) = GRANTED in the amount of \$27,425.00 and taxable costs in the amount of \$176.03. Hon Michael J Brown - Author
35. 29-Dec-2025 FILED: ASC Order filed 12/29/2025 re: Emergency Motion for Extension of Time to File Petition for Review = DENIED without prejudice to Appellant's ability to file a motion in compliance with ARCAP 6(b). This matter is subject to dismissal if a compliant motion or petition for review is not filed by 01/06/2026.
36. 9-Jan-2026 FILED: ASC Order filed 01/08/2026 re: Granting an extension of time to file the petition for review to no later than 02/05/2026. No further extensions of time will be granted absent extraordinary circumstances.
37. 6-Feb-2026 FILED: Email Notice from ASC re: Petition for Review filed 02/06/2026; request for partial record

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41 PROCEEDING ENTRIES

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| 38. | 6-Feb-2026 | FILED: ASC Order filed 02/06/2026 re: Granting Appellants' "Motion for Leave to File Petition for Review Out of Time." The Petition will be deemed timely filed on 02/06/2026. |
| 39. | 9-Feb-2026 | FILED: Letter forwarding partial record to Arizona Supreme Court |
| 40. | 26-Feb-2026 | FILED: ASC Order filed 02/26/2026 re: denying Appellees' motion "Vacate Order Extending Time for Appellants' Petition for Review and to Strike Appellants' Petition for Review". The Petition will be considered in due course. |
| 41. | 27-Feb-2026 | FILED: ASC Order filed 02/27/2026 re: extending time to file the response to Petition for Review to 04/08/2026 |