

Court of Appeals, Division One

Civil Appeal

1 CA-CV 25-0281

VERMEDAHL, et al. v. HEATH, et al.

Appellate Case Information

Case Filed: 10-Apr-2025

Case Closed:

Dept/Composition

Department C

Hon. Andrew M Jacobs
Hon. Brian Y Furuya
Hon. James B Morse Jr.

Consolidated with: 1 CA-CV 25-0593

Side 1. MARY VERMEDAHL, et al., Plaintiff/Appellant/Cross-Appellee

(Litigant Group) MARY VERMEDAHL, et al.

- Mary Vermedahl
Walter Vermedahl

Attorneys for: Plaintiff/Appellant/Cross-Appellee

David Kendell TeSelle, Esq. (AZ Bar No. 32057)
Rachel Nicole Denning, Esq. (AZ Bar No. 32172)
Joshua Abromovitz, Esq. (AZ Bar No. 38401)
David Dean Batchelder, Esq. (CO Bar No. 38425)

Side 2. DANIEL HEATH, et al., Defendant/Appellee/Cross-Appellant

(Litigant Group) DANIEL HEATH, et al.

- Daniel Heath
Toni Heath

Attorneys for: Defendants/Appellees/Cross-Appellants

Jimmie W Pursell, Jr., Esq. (AZ Bar No. 19957)
Daniel J F Peabody, Esq. (AZ Bar No. 34638)
Christopher Thomas Shanley, Esq. (AZ Bar No. 39491)

CASE STATUS

May 13, 2026... Under Advisement

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2022-006448, Breach of Contract, Timothy J Ryan, Authoring Judge of Order.

CALENDAR

Wednesday MONTHLY COURT CASE CALENDAR CV Cases
13-May-2026 Department C; COURTROOM 1
10:45 AM DANIEL HEATH, et al. 20 mins.
MARY VERMEDAHL, et al. 20 mins.

46 PROCEEDING ENTRIES

- 1. 10-Apr-2025 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 03/13/25
2. 10-Apr-2025 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: Hearing Date 9/13/24 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 Digital Exhibits: Plaintiffs - Hearing Date 9/6/24 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25
3. 10-Apr-2025 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 10-Apr-2025 FILED: Additional Record on Appeal: Physical Exhibits Hearing Date 09/13/2024 - List # 1 in Manila Envelope
5. 22-Apr-2025 FILED: Notice of Paying Appellants' Filing Fee; Notice of Electronic Filing and Certificate of Service (Appellants/Cross-Appellees)
6. 28-Apr-2025 RECEIPT No.: 2025-00482 ; \$330.00, Authorization: #18013174145, Applied to: MARY VERMEDAHL, et al. - Class A Filing Fee (\$330.00) Paid for: Burg Simpson Eldredge Hersh & Jardine PC - By nCourt LLC
7. 30-Apr-2025 FILED: Case Management Statement (Appellants/Cross-Appellees)
8. 5-May-2025 FILED: Appellate Clerk Notice Re: Cross Appellant's Fee and Case Management Statement Due/Appellant's Brief Due
9. 5-May-2025 FILED: Settlement Conference Program Notice
10. 8-May-2025 FILED: Notice of Filing of Transcripts; Reporter's Transcript - 12/19/2024 - Status Conference (Paul T Abramson); Reporter's Transcript - 06/21/2023 - Status Conference (Paul T Abramson); Reporter's Transcript - 10/27/2022 - Motion Hearing (Paul T Abramson) (Appellant/Cross-Appellee)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 25-0281****VERMEDAHL, et al. v. HEATH, et al.****46 PROCEEDING ENTRIES**

11. 8-May-2025 FILED: Notice of Electronic Filing and Certificate of Service; Reporter's Transcript - 05/14/2024 - Status Conference (Paul T Abramson); Reporter's Transcript - 02/05/2024 - Status Conference (Paul T Abramson); Reporter's Transcript - 06/05/2023 - Informal Conference Hearing (Paul T Abramson) (Appellant/Cross-Appellee)
12. 2-Jun-2025 FILED: Appellees/Cross-Appellants' Case Management Statement (Appellees/Cross-Appellants)
13. 3-Jun-2025 FILED: Notice of Paying Appellees/Cross-Appellants' Filing Fee; Certificate of Service of Notice of Paying Appellees/Cross-Appellants' Filing Fee (Appellee/Cross-Appellants)
14. 3-Jun-2025 FILED: Stipulation for Extension of Time to File Brief; Notice of Electronic Filing and Certificate of Service (Appellant/Cross-Appellee)
15. 4-Jun-2025 ORDERED: Stipulation for Extension of Time to File Brief (Appellant/Cross-Appellee) = GRANTED. Due date EXTENDED from Monday, 06-09-2025 to Monday, 06-30-2025. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
16. 9-Jun-2025 RECEIPT No.: 2025-00640 ; \$330.00, Authorization: #60015349306, Applied to: DANIEL HEATH, et al. - Class A Filing Fee (\$330.00) Paid for: Quarles & Brady LLP - By nCourt LLC
17. 1-Jul-2025 FILED: Opening Brief; Certificate of Compliance; Notice Of Electronic Filing And Certificate Of Service (Appellant/Cross-Appellee)
18. 8-Aug-2025 FILED: Daniel Heath's Motion to Consolidate and Extend Time to File Answering Brief/Cross-Opening Brief; Certificate of Service of Health's Motion to Consolidate and Extend Time to File Answering/Cross-Opening Brief (Appellees/Cross-Appellants)
19. 11-Aug-2025 ORDERED: Daniel Heath's Motion to Consolidate and EXTEND TIME TO FILE ANSWERING BRIEF/CROSS-OPENING BRIEF (Appellees/Cross-Appellants) = GRANTED. Due date EXTENDED from Monday, 08-11-2025 to Tuesday, 10-07-2025. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
20. 21-Aug-2025 FILED: Response to Defendants/Appellees/Cross-Appellants [sic] Motion to Consolidate; Notice of Electronic Filing and Certificate of Service (Appellant/Cross-Appellee)
21. 29-Aug-2025 ORDERED: Daniel Heath's Motion to Consolidate and Extend Time to File Answering Brief/Cross-Opening Brief (Appellees/Cross-Appellants) = GRANTED motion and consolidating cases 1 CA-25-0281 and 1 CA-CV 25-0593. Case no. 1 CA-CV 25-0281 is designated the primary number, and all future documents filed in this appeal must use the caption shown on this order. FURTHER ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 09/29/2025, vesting jurisdiction in superior court and authorizing that court to consider motion for signed order re: minute entry dated 07/01/25, filed 07/02/2025. FURTHER ORDERED: Defendants must file motion asking superior court to enter signed order. If no order has been signed by 09/29/2025, Defendants must file motion to continue this appeal that describes status of motion. Otherwise, this court will dismiss appeal 1 CA-CV 25-0593. FURTHER ORDERED: Answering brief/cross-appeal opening brief, which shall encompass both the cross-appeal in 1 CA-CV 25-0281 and the appeal in 1 CA-CV 25-0593, is due by 10/29/2025. If the brief is not timely filed, this court will dismiss appeal 1 CA-CV 25-0593 and submit appeal 1 CA-CV 25-0281 for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
22. 3-Oct-2025 FILED: Supplemented Superior Court e-Record with Revised Index of Record
[Contains signed order corresponding to the minute entry dated 07/01/2025]
23. 9-Oct-2025 FILED: Joint Motion to Extend Time to File Answering/Cross-Opening Brief; Certificate of Service of Joint Motion to Extend Time to File Answering/Cross-Opening Brief (Appellees/Cross-Appellants)
24. 9-Oct-2025 ORDERED: Joint Motion to Extend Time to File Answering/Cross-Opening Brief (Appellees/Cross-Appellants) = GRANTED. Due date EXTENDED from Wednesday, 10-29-2025 to Wednesday, 11-19-2025. The court will not grant any further extension absent new and unforeseen circumstances. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Barbara Vidal Vaught ProTem Judge - Author
25. 19-Nov-2025 FILED: Answering Brief on Appeal and Combined Opening Brief on Appeal/Cross-Appeal; Certificate of Compliance of Answering Brief on Appeal and Combined Opening Brief on Appeal/Cross-Appeal; Certificate of Service of Answering Brief on Appeal and Combined Opening Brief on Appeal/Cross-Appeal (Appellee/Cross-Appellant)
26. 10-Dec-2025 FILED: Joint Motion to Extend Time to File Reply/Answering Brief; Certificate of Service of Joint Motion to Extend Time to File Reply/Answering Brief (Appellant/Cross-Appellee)
27. 11-Dec-2025 ORDERED: Joint Motion to Extend Time to File Reply/Answering Brief (Appellant/Cross-Appellee) = GRANTED. Due date EXTENDED from Monday, 12-29-2025 to Wednesday, 01-28-2026. 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
28. 28-Jan-2026 FILED: Reply Brief on Appeal/Answering Brief on Cross-Appeal; Certificate of Compliance; Notice of Electronic Filing and Certificate of Service (Appellant/Cross-Appellee)
29. 5-Feb-2026 FILED: Motion for Procedural Order: Motion for Leave to Amend Reply Brief on Appeal / Answering Brief on Cross-Appeal to Comply with Ariz. R. Civ. App. P. 13(F); Notice of Electronic Filing and Certificate of Service; Amended Reply Brief on Appeal / Answering Brief on Cross-Appeal; Certificate of Compliance (Appellant/Cross-Appellee)
30. 13-Feb-2026 FILED: Joint Motion to Extend Time to File Reply Brief; Certificate of Service of Joint Motion to Extend Time to File Reply Brief (Appellees/Cross-Appellants)

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1 CA-CV 25-0281

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31. 13-Feb-2026 ORDERED: Joint Motion to Extend Time to File Reply Brief (Appellees/Cross-Appellants) = GRANTED. Due date EXTENDED from Tuesday, 02-17-2026 to Monday, 02-23-2026. 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
32. 23-Feb-2026 ORDERED: Motion for Procedural Order: Motion for Leave to Amend Reply Brief on Appeal / Answering Brief on Cross-Appeal to Comply with Ariz. R. Civ. App. P. 13(F) (Appellant/Cross-Appellee) = GRANTED and accepting the reply brief/cross-appeal answering brief filed on 02/05/2026, in place of the brief filed on 01/28/2026. Melina Brill ProTem Judge - Author
33. 23-Feb-2026 FILED: Reply Brief on Appeal/Cross-Appeal; Certificate of Compliance of Reply Brief on Appeal/Cross-Appeal; Certificate of Service of Reply Brief on Appeal/Cross-Appeal (Appellees/Cross-Appellants)
34. 27-Feb-2026 FILED: Request for Oral Argument; Notice of Electronic Filing and Certificate of Service (Appellant/Cross-Appellee)
35. 10-Mar-2026 ORDERED: Request for Oral Argument (Appellant/Cross-Appellee) = GRANTED. Hon Randall M Howe - Author
36. 25-Mar-2026 CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 5-6-26, 10:15 am, COURTROOM 1.
37. 1-Apr-2026 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
38. 8-Apr-2026 FILED: Notice of Oral Argument
39. 10-Apr-2026 FILED: Supplemented Superior Court e-Record with Revised Index of Record
40. 21-Apr-2026 FILED: Return Receipt for Notice of Oral Argument, signed by Jimmie W. Pursell, Jr. on 04/21/2026 (Appellees/Cross-Appellants)
41. 22-Apr-2026 ORDERED: Vacating the conference initially set for Wednesday, 05/06/2026 and resetting it in this matter before Department C for Wednesday, 05/13/2026. FURTHER ORDERED: Vacating the oral argument initially set for Wednesday, 05/06/2026 and resetting it for Wednesday, 05/13/2026 at 10:45 a.m. before Department C, in Courtroom 1, State Courts Building, 1501 West Washington Street, Phoenix, Arizona. Hon Andrew M Jacobs - Author
42. 22-Apr-2026 FILED: Return Receipt Re Oral Argument, signed by Jimmie W. Pursell, on 04/22/26 (Cross-Appellant)
43. 30-Apr-2026 FILED: Unopposed Motion for Procedural Order: Motion to Associate Counsel Pro Hac Vice; Notice of Electronic Filing and Certificate of Service; Notice of Receipt of Complete Application (Supporting Documents); Untitled (Email Correspondence) (Appellants/Cross-Appellees)
44. 5-May-2026 ORDERED: Unopposed Motion for Procedural Order: Motion to Associate Counsel Pro Hac Vice (Appellants/Cross-Appellees) = GRANTED and permitting attorney David Dean Batchelder of the firm Burg Simpson Eldredge Hersh & Jardine, P.C. to appear pro hac vice as co-counsel for Mary Vermedahl, Plaintiff/Appellant/Cross-Appellee and Walter Vermedahl, Cross-Appellee with Rachel N. Denning of the firm Burg Simpson Eldredge Hersh & Jardine, P.C. as local counsel. Hon Andrew M Jacobs - Author
45. 6-May-2026 FILED: Return Receipt for Notice of Oral Argument, Signed by D. Dean Batchelder, Burg Simpson Eldredge Hersh & Jardine P.C. on 04/08/2026 (Appellant)
46. 13-May-2026 FILED: Sign-in Sheet/Case is Under Advisement as of 05/13/2026