

Court of Appeals, Division One

Civil Appeal

1 CA-CV 25-0526

BURT v. GERLAK, et al.

Appellate Case Information

Case Filed: 17-Jul-2025

Case Closed: 8-Aug-2025

Reinstated x 1: 9-Sep-2025 Abandoned

Re-Closed:

Dept/Composition

Department E

Hon. Andrew M Jacobs

Hon. Daniel J Kiley

Hon. Veronika Fabian

Side 1. REBECCA JEAN BURT, Plaintiff/Appellant

(Litigant Group) REBECCA JEAN BURT

- Rebecca Jean Burt

PRO SE

Side 2. JEFFREY ALAN GERLAK, et al., Defendant/Appellee

(Litigant Group) JEFFREY ALAN GERLAK, et al.

- Jeffrey Alan Gerlak

- Ronald J Gerlak

- Betty L Gerlak

Attorneys for: Defendants/Appellees

Mark W Drutz, Esq. (AZ Bar No. 6772)

Jeffrey D Gautreaux, Esq. (AZ Bar No. 28104)

CASE STATUS

May 26, 2026...Assigned

Sep 9, 2025.....Reinstated Case

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YAV, S1300CV202400145, Conversion, Kristyne Marie Schaaf-Olson, Authoring Judge of Order.

CALENDAR

Thursday MONTHLY COURT CASE CALENDAR

9-Jul-2026 Department E; COURTROOM 1

Mixed

41 PROCEEDING ENTRIES

- 1. 17-Jul-2025 FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 06/16/25
2. 17-Jul-2025 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 18-Jul-2025 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 8-Aug-2025 FILED: Letter, 08/08/2025, to Clerk, Yavapai County Superior Court, Re: Pursuant to A.R.S. 12-322A appeal shall be deemed abandoned. No record to be returned.
5. 18-Aug-2025 FILED: Appellate Application for Deferral or Waiver of Court Fees and Consent to Entry of Judgement (Appellant Pro Per)
6. 18-Aug-2025 FILED: Motion to Accept Previously Filed Application for Deferral of Fees as Timely Filed in this Court; Motion to Accept Previously Filed Application for Deferral of Fees as Timely Filed in this Court (Duplicate) (Certificate of Service) (Appellant Pro Per)
7. 18-Aug-2025 ORDERED: Appellate Application for Deferral or Waiver of Court Fees and Consent to Entry of Judgement (Appellant Pro Per) = DEFERRAL GRANTED. No payments will be due until further notice. Melina Brill ProTem Judge - Author
8. 26-Aug-2025 FILED: Appellees' Response to Appellant's Motion to Accept Previously Filed Application for Deferral of Fees as Timely Filed in this Court; Certificate of Service and Filing (Appellees)
9. 29-Aug-2025 RECEIPT No.: 2025-00959 ; \$165.00, Authorization: # 41012082109, Applied to: JEFFREY ALAN GERLAK, et al. - Class B Filing Fee (\$165.00) Paid for: Musgrove Drutz Kack & Gautreaux, PC - By nCourt LLC
10. 9-Sep-2025 ORDERED: Motion to Accept Previously Filed Application for Deferral of Fees as Timely Filed in this Court (Appellant Pro Per) = GRANTED and reinstating this appeal. FURTHER ORDERED: Staying this appeal until 10/10/2025. FURTHER ORDERED revesting jurisdiction in the Superior Court and authorizing that court to consider the pending Motion to Vacate Judgment. This court does not express an opinion regarding the merits of that motion. FURTHER ORDERED that if a party wants this court to review any additional rulings, that party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED that if the superior court has not ruled on the motion by 10/10/2025, appellant must file a notice in this court regarding the status of the motion. The court will address the briefing schedule after the superior court rules on the pending motion. Hon Randall M Howe - Author
11. 11-Sep-2025 RECEIPT No.: 2025-01014 ; \$330.00, Check Number: #326299, Applied to: REBECCA JEAN BURT - Class A Filing Fee (\$330.00) Paid for: REBECCA JEAN BURT - By OneAZ Credit Union

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12. 11-Sep-2025 FILED: Notice of Payment of Filing Fee (Appellant)
13. 17-Oct-2025 ORDERED: That if appellant does not file a status report concerning the Motion to Vacate Judgment by 10/27/2025, the court will dismiss this appeal. Steven C Lawrence ProTem Judge - Author
14. 27-Oct-2025 FILED: Status report; Certificate of service (Appellant Pro Per)
15. 28-Oct-2025 ORDERED: Continuing the stay of this appeal until 11/25/2025, for the purposes set forth in this court's 09/09/2025 stay order – for the superior court to rule on the pending Motion to Vacate Judgment. FURTHER ORDERED: Appellant must file a motion in superior court with this order attached asking for a ruling on the Motion to Vacate Judgment. FURTHER ORDERED: That the stay will be lifted automatically on 11/26/2025, unless before that date appellant files a motion to continue the stay of the appeal that describes the status of the motion. FURTHER ORDERED: That within 10 days after the superior court rules on the motion, appellant must file a notice in this court with the ruling attached. FURTHER ORDERED: That if the superior court grants the motion, the notice should indicate whether appellant intends to pursue this appeal. FURTHER ORDERED: That if a party wants this court to review any additional rulings, that party must file a timely notice of appeal or amended notice of appeal. Melina Brill ProTem Judge - Author
16. 29-Oct-2025 FILED: Supplemented Superior Court e-Record with Revised Index of Record
17. 3-Nov-2025 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: Case management statement is due by 11/14/2025, and the opening brief is due by 12/03/2025. If the statement and brief are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
18. 21-Nov-2025 FILED: Appellee's Motion to Dismiss Appeal Due to Appellant's Failure to Abide by Court Orders and for Award of Attorneys' Fees and Costs; Certificate of Service and Filing (Appellee)
19. 24-Nov-2025 FILED: Courtesy Copy of Motion for Ruling on Motion to Vacate Judgement Filed July 9, 2025, submitted to the Superior Court of Yavapai County; Certificate of Service; Copy of Court of Appeals Order filed 10/28/25 (Appellant Pro Per)
20. 3-Dec-2025 FILED: Case Management Statement (Appellant Pro Per)
21. 3-Dec-2025 FILED: Appellant's Response to Appellee's Premature Motion to Dismiss; Certificate of Service (Appellant Pro Per)
22. 3-Dec-2025 FILED: Status Report; Certificate of Service (Appellant Pro Per)
23. 3-Dec-2025 FILED: Certificate of Service (Appellant Pro Per)
24. 4-Dec-2025 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service; Certificate of Compliance; Certificate of Service (Duplicate) (Appellant Pro Per)
25. 12-Dec-2025 ORDERED: Appellee's Motion to Dismiss Appeal Due to Appellant's Failure to Abide by Court Orders and for Award of Attorneys' Fees and Costs (Appellee) = DENIED without prejudice to appellees asking for fees and costs in the answering brief. FURTHER ORDERED: answering brief is due by 1/13/26. 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
26. 15-Dec-2025 FILED: Appellee's [sic] Renewed Motion to Dismiss Appeal Due to Appellant's Failure to Abide by Court Orders and For Award of Attorney's Fees and Costs; Certificate of Service and Filing (Appellees)
27. 16-Dec-2025 ORDERED: Vacating the 01/13/2026 due date for the answering brief. The order ruling on the pending motion will set a due date to file the answering brief if the motion is denied. Melina Brill ProTem Judge - Author
28. 17-Dec-2025 FILED: Supplemented Superior Court e-Record with Revised Index of Record
29. 22-Dec-2025 FILED: Notice of Partial Non-Receipt of Service Irregularities Re: Appellees' Modified Motion to Dismiss; Certificate of Service (Appellant Pro Per)
30. 23-Dec-2025 Notice of Partial Non-Receipt of Service Irregularities Re: Appellees' Modified Motion to Dismiss (Appellant Pro Per) = ORDERED: The renewed motion to dismiss was properly served. Any response is due by 12/30/2025. Steven C Lawrence ProTem Judge - Author
31. 30-Dec-2025 FILED: Appellant's Opposition to Appellee's Motions to Dismiss (Original & Modified); Certificate of service (Appellant Pro Per)
32. 6-Jan-2026 FILED: Appellee's Reply in Support of Renewed Motion to Dismiss Appeal Due to Appellant's Failure to Abide by Court Orders and for Award of Attorneys' Fees and Costs; Certificate of Service and Filing (Appellee)
33. 12-Jan-2026 ORDERED: Appellee's [sic] Renewed Motion to Dismiss Appeal Due to Appellant's Failure to Abide by Court Orders and For Award of Attorney's Fees and Costs (Appellees) = DENIED without prejudice to appellees asking for fees, costs, and sanctions in the answering brief. FURTHER ORDERED: The answering brief is due by 02/12/2026. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Hon Randall M Howe - Author
34. 12-Feb-2026 FILED: Appellees' Answering Brief; Certificate of Compliance; Certificate of Service and Filing (Appellee)
35. 24-Feb-2026 FILED: Motion for Extension of Time to File Reply Brief; Certificate of Service (Appellant Pro Per)
36. 25-Feb-2026 ORDERED: Motion for Extension of Time to File Reply Brief (Appellant Pro Per) = GRANTED and extending the time to file the reply brief from 03/09/2026 to 04/08/2026. 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

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Civil Appeal

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41 PROCEEDING ENTRIES

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| 37. | 7-Apr-2026 | FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant Pro Per) |
| 38. | 7-Apr-2026 | FILED: Notice of Incomplete Record and Request to Supplement; Certificate of Service (Appellant Pro Per) |
| 39. | 9-Apr-2026 | FILED: Appellees' Response to Appellant's Notice of Incomplete Record and Request to Supplement; Certificate of Service and Filing (Appellees) |
| 40. | 22-Apr-2026 | ORDERED: Notice of Incomplete Record and Request to Supplement (Appellant Pro Per) = DENIED. Melina Brill ProTem Judge - Author |
| 41. | 26-May-2026 | CLNDR: CONFERENCE, Department E, 7-9-26, COURTROOM 1. |