

Court of Appeals, Division One

Civil Appeal

1 CA-CV 25-0762

ALPHA GEOTECHNICAL v. TAYLOR MORRISON, et al.

Appellate Case Information

Case Filed: 25-Sep-2025

Case Closed:

Dept/Composition

Side 1. ALPHA GEOTECHNICAL & MATERIALS, INC, Plaintiff/Appellant (Litigant Group) ALPHA GEOTECHNICAL & MATERIALS, INC

- Alpha Geotechnical & Materials Inc

Attorneys for: Plaintiff/Appellant

Elizabeth L Fleming, Esq. (AZ Bar No. 25322)

Bret S. Shaw, Esq. (AZ Bar No. 31732)

Side 2. TAYLOR MORRISON/ARIZONA, INC., et al., Defendant/Appellee (Litigant Group) TAYLOR MORRISON/ARIZONA, INC.

- Taylor Morrison/Arizona Inc

Attorneys for: Defendant/Appellee Taylor Morrison

James M Ganion, Esq. (AZ Bar No. 30365)

Jennifer E Mullen, Esq. (AZ Bar No. 29620)

(Litigant Group) SARGON/SARRACINO

- Sargon Masonry Construction LLC, Third-Party Defendant/Appellee
- Sarracino Construction Companies LLC, Third-Party Defendant/Appellee

Attorneys for: Defendant/Appellees Sargon/Sarracin

Leonard T Fink, Esq. (AZ Bar No. 16489)

David S Schopick, Esq. (AZ Bar No. 22016)

Holly E Davis, Esq. (CO Bar No. 38643)

(Litigant Group) TIERRA DEL RIO NORTH COMMUNITY ASSOCIATION

- Tierra del Rio North Community Association

Attorneys for: Defendant/Appellee Tierra del Rio

Scott A Burdman, Esq. (AZ Bar No. 19412)

Robert H Willis, Esq. (AZ Bar No. 22765)

Lynn M Allen, Esq. (AZ Bar No. 12612)

CASE STATUS

Apr 28, 2026....Stayed (until 6/12/26)

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Rows include MAR CV2022-010440 and MAR CV2025-006189.

OPEN DUE DATE

Opening Brief Filing Due

Due By:

Wednesday, July 15, 2026

Re: * ORDERED: Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court (Appellant) = GRANTED and staying this appeal until 06/12/2026. FURTHER ORDERED: Revesting jurisdiction in the Maricopa County Superior Court and authorizing the

PENDING MATTER

General Motion

Filed: 29-Apr-2026

APPELLEES' MOTION FOR RECONSIDERATION OF APRIL 28, 2026 ORDER and Motion to Extend Deadline to File Response to Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court (Appellee Morrison)

32 PROCEEDING ENTRIES

- 1. 25-Sep-2025 FILED: Index of Record, Notice of Appeal filed in the Superior Court of Maricopa County 8/28/25
- 2. 25-Sep-2025 FILED: Record on Appeal: (CV2022-010440) Combined Instruments/Minute Entries Exhibits: None
- 3. 25-Sep-2025 FILED: Record on Appeal: (CV2025-006189) Combined Instruments/Minute Entries Exhibits: None

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4. 25-Sep-2025 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 26-Sep-2025 FILED: Notice of Payment of Appellant Filing Fee; Certificate of Service (Appellant)
6. 2-Oct-2025 RECEIPT No.: 2025-01112 ; \$330.00, Authorization: #75013710534, Applied to: ALPHA GEOTECHNICAL - Class A Filing Fee (\$330.00) Paid for: Udall Law Firm LLP - By nCourt LLC
7. 10-Oct-2025 FILED: Notice Of Appearance; Certificate of Service (Appellee Tierra)
8. 15-Oct-2025 RECEIPT No.: 2025-01150 ; \$165.00, Authorization: #88009221044, Applied to: TIERRA DEL RIO - Class B Filing Fee (\$165.00) Paid for: Tyson & Mendes LLP - By nCourt LLC
9. 15-Oct-2025 FILED: Case Management Statement; Certificate of Service (Appellant)
10. 17-Oct-2025 FILED: NOTICE - Appearance; Certificate of Service (Appellee Morrison)
11. 21-Oct-2025 FILED: Motion to Suspend the Appeal and Revest Jurisdiction in the Superior Court; Certificate of Service Re: Motion to Suspend the Appeal and Revest Jurisdiction in the Superior Court; Exhibit 1 (Appellee Tierra Del Rio)
12. 22-Oct-2025 ORDERED: Vacating the 11/24/2025 due date for the opening brief. The order ruling on the pending motion will set a due date to file the opening brief. Melina Brill ProTem Judge - Author
13. 23-Oct-2025 RECEIPT No.: 2025-01169 ; \$165.00, Authorization: #96008454757, Applied to: TAYLOR MORRISON - Class B Filing Fee (\$165.00) Paid for: Collinsworth Specht Calkins & Giampaoli LLP - By nCourt LLC
14. 23-Oct-2025 FILED: Joinder in Motion to Suspend the Appeal and Revest Jurisdiction in the Superior Court; Certificate of Service Re: Joinder in Motion to Suspend the Appeal and Revest Jurisdiction in the Superior Court (Appellee Taylor Morrison)
15. 3-Nov-2025 FILED: Alpha's Objection to Motion to Suspend the Appeal and Revest Jurisdiction in the Superior Court; Certificate of Service (Appellant)
16. 10-Nov-2025 FILED: Joint Reply in Support of Motion to Suspend the Appeal and Revest Jurisdiction in the Superior Court; Certificate of Service Re: Joint Reply in Support of Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court (Appellee Tierra Del Rio)
17. 14-Nov-2025 ORDERED: Motion to Suspend the Appeal and Revest Jurisdiction in the Superior Court (Appellee Tierra Del Rio) = GRANTED and staying this appeal until 01/06/2026. FURTHER ORDERED: Revesting jurisdiction in the Maricopa County Superior Court and authorizing that court to consider the pending motions and any subsequently filed motion. This court does not express an opinion regarding the merits of any motion. FURTHER ORDERED: Directing appellees to file a notice in this court with a copy of the ruling(s) within 10 days after entry. 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 motions by 01/06/2025, appellees must file a notice in this court regarding the status of the superior court proceedings. FURTHER ORDERED: The court will address the briefing schedule after the superior court rules on the motions. Hon Randall M Howe - Author
18. 30-Dec-2025 FILED: Joint Notice of Status of Superior Court Proceedings; Certificate of Service (Appellee Tierra Del Rio)
19. 31-Dec-2025 ORDERED: Joint Notice of Status of Superior Court Proceedings (Appellee Tierra Del Rio) = GRANTED and continuing the stay of this appeal until 02/17/2026, for the purposes set forth in this court's 11/14/2025 stay order. FURTHER ORDERED: That within 10 days after the superior court rules on the motion, appellants must file a notice in this court with the ruling attached. FURTHER ORDERED: That if the superior court has not ruled on the motion by 02/17/2026, appellants must file a status report in this court. Patrick Philippe Lacroix ProTem Judge - Author
20. 23-Jan-2026 FILED: Appellant's Notice of Superior Court Ruling Regarding Appellees' Motions; Certificate of Service of Appellant's Notice of Superior Court Ruling Regarding Appellees' Motions (Appellant)
21. 23-Jan-2026 FILED: Supplemented Superior Court e-Record with Revised Index of Record (CV2022-010440)
22. 26-Jan-2026 ORDERED: Continuing the stay of this appeal until 03/09/2026.FURTHER ORDERED: Directing appellant to file a notice in this court with a copy of the judgment within 15 days after entry. The notice must provide whether any additional motions are pending and whether an amended notice of appeal will be filed. FURTHER ORDERED: If the superior court has not entered judgment by 03/09/2026, appellant shall file notice in this court regarding the status of the superior court proceedings. FURTHER ORDERED: 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
23. 20-Feb-2026 FILED: Appellant's Notice of Final Judgment; Certificate of Service of Appellant's Notice of Final Judgment (Appellant)
24. 9-Mar-2026 ORDERED: ORDERED: Affirming the stay of this appeal is lifted. FURTHER ORDERED: The opening brief is due by 04/20/2026. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
25. 9-Mar-2026 FILED: Appellant's Notice of Appeal to Final Judgment; Certificate of Service of Notice of Appeal Filed in Superior Court; Courtesy Copy (Notice of Appeal, Superior Court of Maricopa County) (Appellant)
26. 6-Apr-2026 FILED: Supplemented Superior Court e-Record with Revised Index of Record(CV2022-010440)

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32 PROCEEDING ENTRIES

27. 10-Apr-2026 FILED: Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court; Certificate of Service of Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court; Exhibit 1 (Exhibits 1-11); Exhibit 12 (Exhibits 12-17) (Appellant)
28. 13-Apr-2026 ORDERED: Vacating the 04/20/2026 due date for the opening brief. The order ruling on the pending motion will address the briefing schedule. Melina Brill ProTem Judge - Author
29. 28-Apr-2026 ORDERED: Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court (Appellant) = GRANTED and staying this appeal until 06/12/2026. FURTHER ORDERED: Revesting jurisdiction in the Maricopa County Superior Court and authorizing that court to consider a motion to enforce settlement. This court does not express an opinion regarding the merits of that motion. FURTHER ORDERED: The stay will be lifted automatically on 06/15/2026, unless before that date appellant files a motion to continue the stay of this appeal. FURTHER ORDERED: 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: If the superior court grants the motion, the notice should indicate whether appellant intends to pursue this appeal. FURTHER ORDERED: 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: The opening brief is due by 07/15/2026. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
- [Amended per Order filed 05/05/2026]
30. 29-Apr-2026 FILED: Appellees' Motion for Reconsideration of April 28, 2026 Order and Motion to Extend Deadline to File Response to Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court; Certificate of Compliance; Certificate of Service for Appellees' Motion for Reconsideration of April 28, 2026 Order and Motion to Extend Deadline to File Response to Appellant's Motion to Suspend Appeal and Revest Jurisdiction in the Superior Court and Certificate of Compliance (Appellee Morrison)
31. 4-May-2026 ORDERED: Appellees' Motion for Reconsideration (Appellee Morrison) = DENIED. Hon Randall M Howe - Author
32. 5-May-2026 ORDERED: Amending the last paragraph on page two of the 04/28/26 order by deleting "the Honorable Christopher Coury" and replacing it with "the Honorable John Blanchard." Melina Brill ProTem Judge - Author