

Court of Appeals, Division One

Civil Appeal

1 CA-CV 25-0813

BURNEY v. TORREON

Appellate Case Information

Case Filed: 14-Oct-2025

Case Closed:

Dept/Composition

Department F

Hon. David B Gass
Hon. Anni Hill Foster
Hon. D Andrew Gaona

Side 1. BENJAMIN N BURNEY, Plaintiff/Appellant

(Litigant Group) BENJAMIN N BURNEY

- Benjamin N Burney

Attorneys for: Plaintiff/Appellant

Geoffrey S Kerckmar, Esq. (AZ Bar No. 20528)
Grant S Cragun, Esq. (AZ Bar No. 34332)

Side 2. TORREON GOLF CLUB, LLC, Defendant/Appellee

(Litigant Group) TORREON GOLF CLUB, LLC

- Torreon Golf Club, LLC

Attorneys for: Defendant/Appellee

David E Shein, Esq. (AZ Bar No. 11708)
Erik Daniel Smith, Esq. (AZ Bar No. 33060)

CASE STATUS

May 19, 2026... Decision Rendered

PREDECESSOR CASE(S)

Table with 6 columns: NAV, S0900CV202500359, Compulsory Arbitration, Judge, Role <Comments>, Trial, Dispo. Row 1: Melinda K Hardy, Authoring Judge of Order

2 OPEN DUE DATES

Motion for Reconsideration Due

Due By: Wednesday, June 3, 2026

Re: * ORDERED: Dismissing this appeal. FURTHER ORDERED: Denying Torreon's request for attorney fees incurred on appeal, without prejudice to Torreon seeking such fees from the superior court at the conclusion of the matter if appropriate. FURTHER ORDERED: Awa

Petition for Review to ASC Due

Due By: Thursday, June 18, 2026

Re: * ORDERED: Dismissing this appeal. FURTHER ORDERED: Denying Torreon's request for attorney fees incurred on appeal, without prejudice to Torreon seeking such fees from the superior court at the conclusion of the matter if appropriate. FURTHER ORDERED: Awa

CALENDAR

Thursday MONTHLY COURT CASE CALENDAR
25-Jun-2026 Department F; COURTROOM 1

Mixed

CASE DECISION

19-May-2026 ORDER

* ORDERED: Dismissing Appeal because this court lacks appellate jurisdiction. FURTHER ORDERED: Denying Torreon's request for attorney fees incurred on appeal, without prejudice to Torreon seeking such fees from the superior court at the conclusion of the

Table with 2 columns: Filed: 19-May-2026, Mandate: Decision Disposition Dismissed

David Gass.....Author

24 PROCEEDING ENTRIES

- 1. 14-Oct-2025 FILED: Index of Record, Notice of Appeal from Navajo County Superior Court filed 10/09/25
2. 14-Oct-2025 FILED: e-Record on Appeal: Combined Instruments/Minute Entries Exhibits: None
3. 17-Oct-2025 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 17-Oct-2025 FILED: (Courtesy Copy) Clerk's Notice of Filing Notice of Appeal and Index of Report Hearings

Court of Appeals, Division One**Civil Appeal****1 CA-CV 25-0813****BURNEY v. TORREON****24 PROCEEDING ENTRIES**

5.	27-Oct-2025	FILED: Appellant's Notice of Payment of Filing Fee; Certificate of Service Regarding Appellant's Notice of Payment of Filing Fee (Appellant)
6.	28-Oct-2025	FILED: Case Management Statement (Appellant)
7.	28-Oct-2025	FILED: Certificate of Service Regarding Appellee's Case Management Statement (Appellant)
8.	31-Oct-2025	RECEIPT No.: 2025-01201 ; \$330.00, Authorization: #04010866363, Applied to: BENJAMIN N BURNEY - Class A Filing Fee (\$330.00) Paid for: Kelli Dunlap - By nCourt LLC
9.	19-Nov-2025	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
10.	19-Nov-2025	FILED: Settlement Conference Program Notice
11.	20-Nov-2025	FILED: Notice of Payment of Filing Fee (Appellee)
12.	26-Nov-2025	RECEIPT No.: 2025-01306 ; \$165.00, Authorization: #30006497655, Applied to: TORREON GOLF CLUB, LLC - Class B Filing Fee (\$165.00) Paid for: Himmelstein & Adkins LLC - By nCourt LLC
13.	15-Dec-2025	FILED: Appellant's Opening Brief; Certificate of Compliance Regarding Appellant's Opening Brief; Certificate of Service Regarding Appellant's Opening Brief (Appellant)
14.	26-Jan-2026	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
15.	29-Jan-2026	FILED: Appellant's Motion for Procedural Order Regarding Extension of Time to File Reply Brief; Certificate of Service Regarding Appellant's Motion for Procedural Order Regarding Extension of Time to File Reply Brief (Appellant)
16.	29-Jan-2026	ORDERED: Appellant's Motion for Procedural Order Regarding Extension of Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 02-17-2026 to Wednesday, 03-04-2026. 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
17.	4-Mar-2026	FILED: Appellant's Reply Brief; Certificate of Service Regarding Appellant's Reply Brief; Certificate of Compliance Regarding Appellant's Reply Brief (Appellant)
18.	23-Apr-2026	ORDERED: Directing appellant to file a memorandum of no more than 7 pages by 5:00 p.m. on 05/04/2026 addressing whether the court has jurisdiction over this appeal. The memorandum shall be supported by appropriate points and authorities and shall address the following questions. (See Order) FURTHER ORDERED: Torreon shall file a response of no more than 7 pages by 5:00 p.m. on 05/14/2026. Hon David B Gass - Author
19.	24-Apr-2026	CLNDR: CONFERENCE, Department F, 6-25-26, COURTROOM 1.
20.	29-Apr-2026	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21.	4-May-2026	FILED: Appellant's Memorandum and Points of Authorities re Appeal Jurisdiction; Certificate Of Service Regarding Appellant's Memorandum And Points Of Authorities Regarding Appeal Jurisdiction (Appellant)
22.	7-May-2026	FILED: Supplemented Superior Court e-Record with Revised Index of Record
23.	13-May-2026	FILED: Appellee's Response To Appellant's Memorandum And Points Of Authorities Regarding Appeal Jurisdiction; Certificate of Service (Appellee)
24.	19-May-2026	ORDERED: Dismissing this appeal. FURTHER ORDERED: Denying Torreon's request for attorney fees incurred on appeal, without prejudice to Torreon seeking such fees from the superior court at the conclusion of the matter if appropriate. FURTHER ORDERED: Awarding Torreon its costs under A.R.S. § 12-341 upon compliance with Rule 21, Arizona Rules of Civil Appellate Procedure.