

Court of Appeals, Division One

Civil - Probate Case

1 CA-CV 25-0932 PB

SUTTON/EST EST v. BOIVIN

Appellate Case Information

Case Filed: 20-Nov-2025

Case Closed:

Dept/Composition

Side 1. TRACEY SUTTON, an individual; EST EST INCORPORATED, an Arizona corporation, Petitioner/Appellee

(Litigant Group) SUTTON/EST EST

- Tracey Sutton
Est Est Incorporated

Attorney for: Petitioners/Appellees
Brian M Mueller, Esq. (AZ Bar No. 9222)

Side 2. ESTHER BOIVIN, as Trustee of the Sutton-Boivin Revocable Trust, and as Personal Representative of the Estate of Tony Sutton, Respondent/Appellant

(Litigant Group) BOIVIN

- Esther Boivin

Attorney for: Respondent/Appellant
Scott H Zwillinger, Esq. (AZ Bar No. 19645)
Peter S Kozinets, Esq. (AZ Bar No. 19856)
Lauren Whittaker, Esq. (AZ Bar No. 37438)

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, PB2022-005422, Trust Administration, Elizabeth T Bingert, Authoring Judge of Order.

OPEN DUE DATE

Answering Brief Due Due By: Monday, June 15, 2026

Re: FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)

33 PROCEEDING ENTRIES

- 1. 20-Nov-2025 FILED: Index of Record, Notice of Appeal filed in the Superior Court of Maricopa County 10/23/25
2. 20-Nov-2025 FILED: Record on Appeal: Combined Instruments/Minute Entries
3. 20-Nov-2025 FILED: Physical Exhibits: Hearing Date 5/1/25 - List and #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, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64 in box
4. 20-Nov-2025 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 8-Dec-2025 RECEIPT No.: 2025-01344 ; \$330.00, Authorization: #42019010830, Applied to: BOIVIN - Class A Filing Fee (\$330.00) Paid for: Peggy McClellan - By nCourt LLC
6. 10-Dec-2025 FILED: Case Management Statement; Certificate of Service (Appellant)
7. 22-Dec-2025 FILED: Stipulated Motion for Substitution of Counsel; Certificate of Service; Consent of Client (Appellant)
8. 22-Dec-2025 FILED: Notice of Ordering Transcript; Certificate of Service (Appellant)
9. 23-Dec-2025 ORDERED: Stipulated Motion for Substitution of Counsel (Appellant) = GRANTED and substituting Scott Zwillinger, Peter S. Kozinets, and Lauren Whittaker of Zwillinger Wulkan, PLC, as counsel for appellant in place of Don Bivens of Don Bivens, PLLC. Steven C Lawrence ProTem Judge - Author
10. 2-Jan-2026 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
11. 2-Jan-2026 FILED: Settlement Conference Program Notice
12. 8-Jan-2026 FILED: Appellant's Motion for Procedural Order to Stay Deadline to File Opening Brief; Certificate of Service (Appellant)
13. 8-Jan-2026 FILED: Appellees' Response to Motion for Procedural Order to Stay Opening Brief Deadline; Certificate of Service (Appellees)
14. 12-Jan-2026 FILED: Appellant's Reply in Support of Motion for Procedural Order to Stay Deadline to File Opening Brief; Certificate of Service (Appellant)
15. 14-Jan-2026 RECEIPT No.: 2026-00056 ; \$165.00, Authorization: #14005466900, Applied to: SUTTON/EST EST - Class B Filing Fee (\$165.00) Paid for: Rusing Lopez & Lizardi PLLC - By nCourt LLC

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33 PROCEEDING ENTRIES

16. 14-Jan-2026 ORDERED: Appellant's Motion for Procedural Order to Stay Deadline to File Opening Brief (Appellant) = GRANTED and staying this appeal until 02/13/2026. FURTHER ORDERED: Revesting jurisdiction in the Maricopa County Superior Court and authorizing that court to consider the pending Rule 60 motion. This court does not express an opinion regarding the merits of that motion. FURTHER ORDERED: The stay will be lifted automatically on 02/17/2026, unless before that date appellant files a motion to continue the stay of this appeal. 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 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 03/19/2026. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
17. 3-Feb-2026 FILED: Appellant's Notice Regarding Entry of Trial Court Order; Certificate of Service; Exhibit A (Appellant)
18. 4-Feb-2026 ORDERED: Continuing the stay of this appeal until 03/06/2026. FURTHER ORDERED: Authorizing the superior court to consider a motion for a signed order corresponding to the minute entry dated 01/23/2026, and filed 01/27/2026. FURTHER ORDERED: Appellant shall file a motion asking the superior court to enter a signed order. FURTHER ORDERED: If the superior court has not entered a signed order by 03/06/2026 appellant shall file a motion to continue the stay of this appeal that describes the status of the matter. FURTHER ORDERED: Within 10 days after entry of a signed order, appellant must file notice in this court with the order attached. FURTHER ORDERED: If a party wants this court to review the ruling, that party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: The opening brief is due by 04/06/2026. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
19. 5-Feb-2026 FILED: Appellant's Notice Regarding Entry of Signed Trial Court Order; Certificate of Service; Exhibit A (Courtesy Copy- Ruling on Respondent's Rule 60 (b)(4) Motion for Relief From Judgment) (Appellant)
20. 5-Feb-2026 FILED: Appellant's Notice Regarding Transcripts; Certificate of Service (Appellant)
21. 5-Feb-2026 FILED: Reporter's Transcript – 05/01/2025 – Trial - Day1 (Tracy A. Reinke) (Appellant)
22. 5-Feb-2026 FILED: Reporter's Transcript – 06/16/2025 – Trial Re:Sutton-Boivin Revocable Trust (Cindy Bachman) (Appellant)
23. 10-Feb-2026 FILED: Appellant's Notice of Filing Second Amended Notice of Appeal with Trial Court; Certificate of Service; Courtesy Copy (Second Amended Notice of Appeal) (Appellant)
24. 11-Feb-2026 FILED: Supplemented Superior Court e-Record with Revised Index of Record [Includes ME dated 02/04/2026 Rule 60 Ruling]
25. 25-Feb-2026 FILED: Appellant's Notice Regarding Transcripts; Certificate of Service (Appellant)
26. 2-Mar-2026 FILED: Motion for Procedural Order to Extend Deadline to File Opening Brief (Unopposed); Certificate of Service (Appellant)
27. 2-Mar-2026 FILED: Reporter's Transcript - 05/02/2025 - Trial Re: Sutton-Boivin Revocable Trust Day 2 (Cindy Bachman) (Appellant)
28. 3-Mar-2026 ORDERED: Motion for Procedural Order to Extend Deadline to File Opening Brief (Unopposed) (Appellant) = GRANTED. Due date EXTENDED from Monday, 04-06-2026 to Wednesday, 05-06-2026. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
29. 6-May-2026 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
30. 6-May-2026 FILED: Appendix Volume One to Appellant's Opening Brief (Appellant)
31. 6-May-2026 FILED: Appendix Volume Two to Appellant's Opening Brief (Appellant)
32. 6-May-2026 FILED: Appendix Volume Three to Appellant's Opening Brief (Appellant)
33. 6-May-2026 FILED: Appendix Volume Four to Appellant's Opening Brief (Appellant)