

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-24-0103-PR

GROVES v LAYTON et al

Appellate Case Information

Case Filed: **9-May-2024** Archive on: 19-Aug-2034 (planned)
 Case Closed: **19-Aug-2024**

Dept/Composition

Side 1. GROVES PROPERTIES, LP, Plaintiff/Appellant
 (Litigant Group) GROVES PROPERTIES, LP

- Groves Properties LP

Attorneys for: Plaintiff/Appellant

Aaron C Huber, Esq. (AZ Bar No. 26273)
 Bryan W Barney, Esq. (AZ Bar No. 27270)
 Lynn M Allen, Esq. (AZ Bar No. 12612)

Side 2. LAYTON CONSTRUCTION COMPANY, LLC, et al., Defendant/Appellee
 (Litigant Group) LAYTON CONSTRUCTION COMPANY, LLC, et al.

- Layton Construction Company LLC
- Arizona Fastners Corporation

Attorneys for: Defendant/Appellee

Jodi L Mullis, Esq. (AZ Bar No. 24044)

CASE STATUS

Aug 19, 2024...Decision Rendered

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-CV 23-0351					
↳ MAR CV2022-050078	Breach of Contract		Melissa Iyer Julian, Authoring Judge of Order Comments: (none)		

CASE DECISION

19-Aug-2024 ORDER

ORDERED: Petition for Review = DENIED.

Filed: **19-Aug-2024**

Mandate:

Decision Disposition
Denied

17 PROCEEDING ENTRIES

- 9-May-2024 FILED: [Stricken per 5/20/24 Order] Petition for Review; Certificate of Service; Certificate of Compliance; Memorandum Decision (Appellant Groves Properties)
- 9-May-2024 FILED: [Stricken per 5/20/24 Order] Appendix to Petition for Review; Certificate of Service (Appellant Groves Properties)
- 13-May-2024 FILED: Record from CofA: Electronic Record
- 17-May-2024 RECEIPT No.: 2024-00122 ; \$280.00, Authorization: 8827575217422315, Applied to: GROVES PROPERTIES, LP - Class A Filing Fee (\$280.00) Paid for: GROVES PROPERTIES, LP - By nCourt LLC
- 20-May-2024 On May 9, 2024, Appellant Groves Properties, LP, filed a 4,696 word count Petition for Review. The petition for review is non-compliant pursuant to Rules 4(b) and 23(g), Rules of Civil Appellate Procedure. Therefore, IT IS ORDERED Appellant may file a petition for review that complies with the above referenced rules, consisting of 3500 words or less, or file a motion for extended pagination within 15 days of the date of this order. IT IS FURTHER ORDERED if a compliant petition for review or motion for extended word count/pagination is not received by June 4, 2024, this matter may be dismissed. (Tracie K. Lindeman, Clerk)
- 5-Jun-2024 FILED: Motion for Procedural Order to Extend Time to File Petition for Review; Certificate of Service; (Proposed) Order (Appellant Groves Properties)
- 5-Jun-2024 FILED: Petition for Review; Certificate of Service; Certificate of Compliance (Appellant Groves Properties)

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-24-0103-PR

GROVES v LAYTON et al

17 PROCEEDING ENTRIES

8. 5-Jun-2024 FILED: Appendix to Petition for Review; Certificate of Service (Appellant Groves Properties)
9. 7-Jun-2024 On June 5, 2024, Appellant Groves Properties filed a "Motion for Procedural Order to Extend Time to File Petition for Review" and a "Petition for Review." Pursuant to Arizona Rules of Civil Appellate Procedure 6(b)(1)(B), the motion must include a statement by the moving party of whether the other parties consent to, or object to, the entry of the order that is sought. This Court notes that the motion does not comply with this requirement. Nonetheless,
- IT IS ORDERED granting an extension of time to file the petition for review. The petition for review shall be filed as of June 5, 2024. (Tracie K. Lindeman, Clerk)
10. 1-Jul-2024 FILED: Stipulated Motion for Extension of Time to File Response to Petition for Review; Certificate of Service (Appellees Layton Construction, et al.)
11. 3-Jul-2024 Appellees Layton Construction, et al., filed a "Stipulated Motion for Extension of Time to File Response to Petition for Review" on July 1, 2024. Pursuant to Arizona Rules of Civil Appellate Procedure, Rule 6(b), the caption of a motion for procedural order must include the words, "Motion for Procedural Order." Accordingly,
- IT IS ORDERED the motion is denied without prejudice to Appellee's ability to file a motion in compliance with ARCAP 6(b). (Tracie K. Lindeman, Clerk)
12. 3-Jul-2024 FILED: Stipulated Motion for Procedural Order for Extension of Time to File Response to Petition for Review; Certificate of Service (Appellees Layton Construction, et al.)
13. 8-Jul-2024 A "Stipulated Motion for Procedural Order for Extension of Time to File Response to Petition for Review" (Appellees Layton Construction, et al.) having been filed on July 3, 2024,
- IT IS ORDERED granting a first extension of time to file the response to petition for review on or before July 19, 2024. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman, Clerk)
14. 19-Jul-2024 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellees Layton Construction, et al.)
15. 2-Aug-2024 RECEIPT No.: 2024-00181 ; \$140.00, Authorization: 8476232634210956, Applied to: LAYTON CONSTRUCTION COMPANY, LLC, et al. - Class B Filing Fee (\$140.00) Paid for: LAYTON CONSTRUCTION COMPANY, LLC, et al. - By nCourt LLC
16. 19-Aug-2024 ORDERED: Petition for Review = DENIED.
- FURTHER ORDERED: Request for Attorneys' Fees (Appellees Layton Construction, et al.) = GRANTED.
-
17. 23-Aug-2024 FILED: Defendants Layton Construction Company, LLC and Arizona Fasteners' Verified Statement of Attorneys' Fees and Costs; Certificate of Service (Appellees Layton Construction, et al.)