

IN THE
Court of Appeals
STATE OF ARIZONA
DIVISION ONE

CASE MANAGEMENT STATEMENT

JIE CAO, et al.,

v.

PFP DORSEY INVESTMENTS, LLC, et al.

1 CA-CV 21-0275

Maricopa County Superior Court

Superior Court case number: CV2019-055353

Judge Daniel Martin

Jie Cao and Haining "Frazer" Xia
Name of Filing Party

/s/ Eric M. Fraser
Signature of Counsel or Party

July 7, 2021
Date

A. APPELLATE JURISDICTION

1. State the basis for appellate jurisdiction (*See* A.R.S. § 12-2101):

The Court has appellate jurisdiction under A.R.S. § 12-2101(A)(1).

2. State the date the superior court filed the judgment/order you are appealing and state whether the court signed the ruling.

(1) the Judgment signed on March 17, 2021 and filed by the Court on March 18, 2021 [IR-86]

(2) the Judgment signed on March 17, 2021 and filed by the Court on March 18, 2021 [IR-87]

(3) the Judgment signed on April 24, 2021 and filed by the Court on April 27, 2021 [IR-90].

3. Provide the date each notice of appeal or cross-appeal was filed and identify the filing party.

April 19, 2021 filed by Plaintiffs [IR-89]; May 12, 2021 filed by Plaintiffs [IR-90].

4. If the time for appeal was extended by one of the motions identified in Arizona Rule of Civil Appellate Procedure 9(e)(1), identify the motion, the date it was filed, the date the superior court filed its ruling on the motion, and state whether the ruling was signed.

n/a

5. If any motions are currently pending in superior court, identify the name of each motion and the date it was filed.

n/a

6. Is the judgment/order appealed from certified as final pursuant to Arizona Rule of Civil Procedure 54(c)?

Yes [IR-90].

7. If any claims remain pending in the superior court, including claims for attorneys' fees, was the judgment/order made appealable pursuant to Arizona Rule of Civil Procedure 54(b) or Arizona Rule of Family Law Procedure 78(B)?

n/a

B. CASE INFORMATION

1. List all parties to the superior court action and, if represented, provide the names of their counsel.

Jie Cao and Haining "Frazer" Xia, Plaintiffs, represented by: Eric M. Fraser and John S. Bullock, Osborn Maledon, P.A.

Stone Xia, represented by: Dennis I. Wilenchik, John D. Wilenchik, and Ross P. Meyer, Wilenchik and Bartness, P.C.

Defendant PFP Dorsey Investments, LLC, represented by Shawna M. Woner and Stephanie K. Gintert, Garrey, Woner, Hoffmaster & Peshek, P.C.

Defendant Dorsey Place Condominium Association, represented by Edith I. Rudder and Nicholas C.S. Nogami, Carpenter, Hazlewood, Delgado & Bolen, LLP

2. List any party in superior court that is not a party to this appeal and explain in detail why the party is not included in this appeal, e.g., the party was dismissed, not served, or other. Include specific relevant references to the record.

n/a

3. Describe briefly all claims (including counterclaims, cross-claims and third-party claims) asserted in the superior court and the manner each such claim was resolved in the superior court (i.e., bench trial, jury verdict, dismissal, summary judgment, or default judgment). Include specific relevant references to the record.

Claims for declaratory judgment, quiet title, civil trespass/conversion, breach of fiduciary duty, unjust enrichment, ejectment/constructive trust and wrongful recording, resolved on motions to dismiss [IR-40; IR-61].

4. Identify the issues to be raised on appeal.

Whether the superior court erred by granting the motions to dismiss.

5. If this case involves an assertion or allegation that a state statute, ordinance, franchise, or rule is unconstitutional on its face, or that a municipal ordinance or franchise is facially invalid, have you complied with A.R.S. § 12-1841?

n/a.

C. TRANSCRIPTS

1. State the date you complied with Arizona Rule of Civil Appellate Procedure 11(c)(1) and (2) by ordering the transcript(s) necessary for proper consideration of the issues on appeal.

All transcripts in the case have been obtained.

Identify the certified court reporter or authorized transcriber responsible for preparing the transcript(s):

Dorothy Gravelle, Transcriptionist
The Record Xchange

Provide the court reporter's estimated date of completion of the transcript(s):

All transcripts in the case have been obtained.

2. State the date you complied with Arizona Rule of Civil Appellate Procedure 11(c)(3) by filing a notice of transcript order and, if applicable, a statement of the issues.

All transcripts in the case have been obtained.

D. OTHER PENDING AND PRIOR PROCEEDINGS

1. If any party to this appeal is the subject of a pending petition in bankruptcy court, identify the court and provide the case name and number.

n/a

2. Provide the case name and number of any other appeal, special action, or petition for review filed from the same, or a consolidated, superior court action.

n/a

3. Provide the case name and number of any other appeal(s) pending in the Court of Appeals that involve the same parties, events, or transactions giving rise to this appeal.

n/a

4. Provide the case name and number of any known pending appeals in the Court of Appeals that raise the same or closely related issues.

n/a

E. CONTACT INFORMATION

1. Filing Party

This Case Management Statement is filed by or on behalf of:

Name of Party: Jie Cao and Haining "Frazer" Xia
Counsel: Eric M. Fraser and John S. Bullock, Osborn Maledon, P.A.
Address: 2929 N. Central Avenue, Suite 2100, Phoenix, Arizona 85012
Email address: efraser@omlaw.com; jbullock@omlaw.com
Telephone: (602) 640-9000

Check one: Appellant Cross-Appellant Appellee

For a joint statement by multiple appellants, provide contact information for additional appellants on a separate sheet accompanied by certification that they concur in the contents of this statement.

2. Opposing Party

Name of Party: PFP Dorsey Investments LLC

Counsel for Opposing Party: Shawna M. Woner and Stephanie K. Gintert, Garrey, Woner, Hoffmaster & Peshek, P.C.
Address: The Gibraltar Building, 6611 North Scottsdale Road, Scottsdale, Arizona 85250
Email address: swoner@gwhplaw.com; sgintert@gwhplaw.com
Telephone: (480) 483-9700

Opposing Party

Name of Party: Dorsey Place Condominium Association

Counsel for Opposing Party: Edith I. Rudder and Nicholas C.S. Nogami, Carpenter, Hazlewood, Delgado & Bolen, LLP
Address: 1400 East Southern Avenue, Suite 400, Tempe, Arizona 85282
Email address: eadie.rudder@carpenterhazlewood.com; Nicholas.nogami@carpenterhazlewood.com
Telephone: (480) 427-2800

(List additional counsel/parties on separate sheet if necessary)

CERTIFICATION OF SERVICE

I certify that on the 7th day of July, 2021, the above Case Management Statement was electronically filed with the Clerk's Office and pursuant to ARCAP 4(f), a copy was eserved via AZTurboCourt to:

Shawna M. Woner
Stephanie K. Gintert
Garrey, Woner, Hoffmaster & Peshek, P.C.
The Gibraltar Building
6611 North Scottsdale Road
Scottsdale, Arizona 85250
swoner@gwhplaw.com
sgintert@gwhplaw.com
Attorneys for Defendant/ Appellee PFP Dorsey Investments LLC

Edith I. Rudder
Nicholas C.S. Nogami
Carpenter, Hazlewood, Delgado & Bolen, LLP
1400 East Southern Avenue, Suite 400
Tempe, Arizona 85282
eadie.rudder@carpenterhazlewood.com
nicholas.nogami@carpenterhazlewood.com
Attorneys for Defendant/ Appellee Dorsey Place Condominium Association

/s/ Eric M. Fraser
Signature

MAR 18 2021 FILED 8:01 am

J. Eaton, Deputy

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

JIE CAO and HAINING "FRAZER" XIA,
a married couple; STONE XIA, an
individual,

No. CV2019-055353

Plaintiffs,

JUDGMENT

v.

FPF DORSEY INVESTMENTS, LLC, a
Delaware limited liability company;
DORSEY PLACE CONDOMINIUM
ASSOCIATION, an Arizona nonprofit
corporation;

(Assigned to the Honorable Daniel Martin)

Defendants.

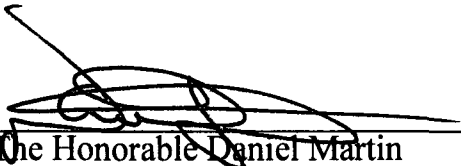
This matter having come before the Court as a result of Defendant Dorsey Place Condominium Association's Motion to Dismiss, the Court having entered a ruling on December 15, 2020 granting Dorsey Place Condominium Association's Motion to Dismiss with prejudice, Defendant Dorsey Place Condominium Association thereafter having filed an Application for Attorneys' Fees and Costs, the Court having entered a ruling on March 15, 2021 denying the application for fees but granting an award of costs, and there being no just cause for delay in the entry of judgment,

1 IT IS HEREBY ORDERED that Plaintiffs' Second Amended Complaint is dismissed
2 with prejudice in its entirety as to Defendant Dorsey Place Condominium Association.

3 IT IS FURTHER ORDERED awarding Defendant Dorsey Place Condominium
4 Association costs in the amount of \$304.28.
5

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that pursuant to
7 Arizona Rule of Civil Procedure 54(b), there is no just reason for delay and final judgment is
8 expressly entered in favor of Defendant Dorsey Place Condominium Association against
9 Plaintiffs.
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11 DATED this 17th day of March, 2021.
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15 The Honorable Daniel Martin
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FILED
MAR 18 2021

S. Olam

J. Ecton, Deputy

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

JIE CAO and HAINING "FRAZER" XIA,
a married couple; STONE XIA, an
individual,

Plaintiffs,

v.

PFP DORSEY INVESTMENTS, LLC, a
Delaware limited liability company;
DORSEY PLACE CONDOMINIUM
ASSOCIATION, an Arizona nonprofit
corporation;

Defendants.

No. CV2019-055353

JUDGMENT

(Assigned to the Honorable Daniel Martin)

This matter having come before the Court as a result of Defendant PFP Dorsey Investments, LLC's Motion to Dismiss, the Court having entered a ruling on December 15, 2020 granting PFP Dorsey Investment's LLC's Motion to Dismiss with prejudice, Defendant PFP Dorsey Investments, LLC thereafter having filed an Application for Attorneys' Fees and Costs, the Court having entered a ruling on March 15, 2021 denying the application for fees but granting an award of costs, and there being no just cause for delay in the entry of judgment,

1 IT IS HEREBY ORDERED that Plaintiffs' Second Amended Complaint is dismissed
2 with prejudice in its entirety as to Defendant PFP Dorsey Investments, LLC.

3 IT IS FURTHER ORDERED awarding Defendant PFP Dorsey Investments, LLC
4 costs in the amount of \$265.75.

5
6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that pursuant to
7 Arizona Rule of Civil Procedure 54(b), there is no just reason for delay and final judgment is
8 expressly entered in favor of Defendant PFP Dorsey Investments, LLC against Plaintiffs.
9

10 DATED this 17th day of March, 2021.

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14 The Honorable Daniel Martin

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

JIE CAO and HAINING “FRAZER” XIA,
a married couple; STONE XIA, an
individual,

No. CV2019-055353

Plaintiffs,

JUDGMENT

v.

PFP DORSEY INVESTMENTS, LLC, a
Delaware limited liability company;
DORSEY PLACE CONDOMINIUM
ASSOCIATION, an Arizona nonprofit
corporation;

(Assigned to the Honorable Daniel G. Martin)

Defendants.

This matter having come before the Court as a result of Defendants PFP Dorsey Investments, LLC’s and Dorsey Place Condominium Association’s respective Motions to Dismiss and the Court’s ruling on December 15, 2020, granting Defendants’ Motions to Dismiss, with prejudice and there being no just cause for delay in the entry of judgment,

IT IS HEREBY ORDERED that Plaintiffs’ Second Amended Complaint is dismissed with prejudice in its entirety.

IT IS FURTHER ORDERED that the Court grants an award of costs in the amount of \$265.75 in favor of PFP Dorsey Investments, LLC against Plaintiffs, with interest to accrue

1 from the date of this Judgment in accordance with Arizona law.

2 IT IS FURTHER ORDERED that the Court grants an award of costs in the amount of
3 \$304.28 in favor of Dorsey Place Condominium Association against Plaintiffs, with interest
4 to accrue from the date of this Judgment in accordance with Arizona law.
5

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that pursuant to the
7 Arizona Rules of Civil Procedure 54(c), there is no just reason for delay and that final
8 judgment is expressly entered in favor of Defendants PFP Dorsey Investments, LLC and
9 Dorsey Place Condominium Association against Plaintiffs and that this Court dispose of all
10 matters in their entirety.
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17 DATED this ____ day of _____, 2021.
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20 The Honorable Daniel G. Martin
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eSignature Page 1 of 1

Filing ID: 12815137 Case Number: CV2019-055353
Original Filing ID: 12702891

Granted with Modifications



/S/ Daniel Martin Date: 4/24/2021
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2019-055353

SIGNATURE DATE: 4/24/2021

E-FILING ID #: 12815137

FILED DATE: 4/27/2021 8:00:00 AM

EDITH I RUDDER

JOHN DOUGLAS WILENCHIK

NICHOLAS C NOGAMI

ROSS P MEYER

SHAWNA M WONER

STEPHANIE K GINTERT