

DAVID C. JOHNSON and WENDEE L. JOHNSON,)
husband and wife,)

Plaintiffs-Appellants,)

v.)

THE POINTE COMMUNITY ASSOCIATION, INC.,)
an Arizona non-profit corporation;)
PATRICK BOYLE and CAROL BOYLE, husband)
and wife,)

Defendants-Appellees.)

COURT OF APPEALS, DIVISION ONE
Civil Appeals Docket

1 CA-CV 02-0160

DEPT E
COURT AST CBP GMS

CONSOLIDATED:

SHORT CAPTION: JOHNSON V. POINTE
COUNTY: MARICOPA
COUNTY NOS: CV 01-007838
JUDGE: Pendleton Gaines
TRANSFER NOS:
CITATION-1:
CITATION-2:
Date Stayed:
Trans: Place Reinst: Transfer:

| | | | | |
|--------------------|--------------------|-------------------|-----------|---------|
| Record Rec: | 11-Mar-02 | N/A Timely | Y | Bond: N |
| X Filed: | N | X/Timely: | | |
| Class: | Breach of Contract | | | |
| Notice To Counsel: | 28-Mar-02 | | | |
| Rec Filed: | 12-Mar-02 | | | |
| Open1 Due: | 22-Apr-02 | Open1 Filed: | 17-Apr-02 | |
| Open2 Due: | | Open2 Filed: | | |
| ANS1 Due: | 30-May-02 | ANS1 Filed: | 28-May-02 | |
| ANS2 Due: | | ANS2 Filed: | 30-May-02 | |
| Reply1 Due: | 24-Jun-02 | Reply1 Filed: | 24-Jun-02 | |
| Reply2 Due: | | Reply2 Filed: | | |
| Ans/XOpen Due: | | Ans/XOpen Filed: | | |
| Reply/XAns Due: | | Reply/XAns Filed: | | |
| X/Reply Due: | | X/Reply Filed: | | |
| Issue: | 24-Jun-02 | Issue List No: | 02249 | |
| Oral: | N | Calendared: | 23-Oct-02 | |
| Date: | | O/A Time: | | |
| Conf: | Y | Under Advisement: | 23-Oct-02 | |
| Decision: | 31-Jul-03 | Decision Type: | OP | |
| Result: | VA RM | Percuriam: | | |
| Author: | GMS | Concur: | AST, CBP | |
| Costs Filed: | 13-Aug-03 | Dissent: | | |
| MR Due: | 15-Aug-03 | MR Filed: | | |
| Resp MR Due: | | Resp MR Filed: | | |
| MR Order: | | MR Order Date: | | |
| Cost Obj Due: | 25-Aug-03 | Cost Obj Filed: | 25-Aug-03 | |
| Cost Reply Due: | 8-Sep-03 | Cost Reply Filed: | 5-Sep-03 | |
| Cost Order: | G | Cost Order Date: | 11-Sep-03 | |
| Decision Sup: | | Date: | | |
| PR Due: | 2-Sep-03 | PR Filed: | | |
| X PR Due: | | X PR Filed: | | |
| PR Order: | | PR Order Date: | | |
| Mandate: | 17-Sep-03 | Terminate: | | |
| Tick1: | | | | |
| Tick2: | | | | |
| Comment - 1: | | | | |
| Comment - 2: | | | | |

COURT OF APPEALS
DIVISION ONE

DOCKET ENTRIES

1 CA-CV 02-0160

03/12/2002 FILED:INDEX OF RECORD
03/12/2002 FILED:FIRST LETTER (3/12/02)
03/15/2002 FILED:RECEIPT, #0200484, \$140.00, Check #1031, Appellant Pro Per,
paid by Barry J. Dale, Attorney at Law, for Appellants David
and Wendee Johnson
03/28/2002 FILED:NOTICE TO COUNSEL
04/03/2002 FILED:RECEIPT, #0200602, \$70.00, Check #21140, Appellee filing fee
paid by Paul J. McGoldrick, Shorall, Stevens, McGoldrick for
Appellee Patrick and Carol Boyle
04/05/2002 FILED:RECEIPT #0200617, Check #2715, \$70.00, Appellee filing fee
paid by Beth Mulcahy for Appellee Point Cummunity Assoc
04/08/2002 FILED:NOTICE OF APPELLEE THE POINTE COMMUNITY ASSOCIATION, INC.
FILING FEE
04/17/2002 FILED:APPELLANTS OPENING BRIEF.
05/06/2002 FILED:ADDITIONAL INSTRUMENT, #49 filed 1/25/02 in Maricopa County
Superior Court RE: NOTICE OF DEPOSIT WITH THE COURT
05/06/2002 FILED:ADDITIONAL INSTRUMENT, #52 filed 3/15/02 in Maricopa County
Superior Court RE: CIVIL APPEALS DOCKETING STATEMENT
05/28/2002 FILED:APPELLEES ANSWERING BRIEF.
05/30/2002 FILED:APPELLEE THE POINTE COMMUNITY ASSOCIATION'S ANSWERING BRIEF
05/30/2002 FILED:LETTER, 5/30/02, the Clerk of MARICOPA County Superior Court
has to/including 6/14/02 to transmit the record on appeal.
(G. Clark, Clerk)
06/06/2002 FILED:RECORD ON APPEAL (Instruments/Minute Entris - 2 Volumes)
06/24/2002 FILED:APPELLANTS REPLY BRIEF.
07/18/2002 FILED:MOTION TO STRIKE PORTIONS OF REPLY BRIEF (Appellees)
07/29/2002 FILED:APPELLANTS' RESPONSE TO THE BOYLES' MOTION TO STRIKE PORTIONS
OF REPLY BRIEF
08/01/2002 FILED:REPLY IN SUPPORT OF MOTION TO STRIKE (Appellees)
08/14/2002 FILED:APPELLANTS' MOTION FOR PROCEDURAL ORDER
08/15/2002 FILED:NOTICE OF JOINDER IN APPELLEES' MOTION TO STRIKE PORTIONS OF
REPLY BRIEF (Appellee Pointe Community Association)
08/19/2002 FILED:ORDER - granting the motion. Appellants may file their
proposed "Appellants' Supplemental Response to the Boyles'
Motion to Strike Portions of Reply Brief" on/before 8/22/02.
Appellees may file a reply thereto on/before 9/3/02. (Dept.
M. P. Hall, Judge)
08/22/2002 FILED:APPELLANTS' SUPPLEMENTAL RESPONSE TO THE BOYLES' MOTION TO
STRIKE PORTIONS OF REPLY BRIEF
08/22/2002 FILED:ORDER - granting appellees' motion to strike portions of the
reply brief. The quotations from the depositions of Ardelle
Friday and Rick Dehart contained on pages 11, 16, 17, and 23
through 28 of the appellant's reply brief shall not be con-
sidered with this court rules on the merits of this appeal.
FURTHER directing the clerk fo this court to attach a copy of
this order to the inside front cover on the original and all
copies of appellants' reply brief. (Dept. M, P. Hall, D.
Barker, P. Irvine)

- 08/26/2002 FILED:ORDER - vacating this court's order filed 8/22/02. Appellees Boyles' "Motion to Strike Portions of Reply Brief" will be presented for decision by Department M after 9/3/02, the due date for appellees' reply to the supplemental response. (Dept. M, P. Hall, Judge)
- 09/03/2002 CLNDR:CONFERENCE, Dept E, 10-23-02.
- 09/03/2002 FILED:SUPPLEMENTAL REPLY IN SUPPORT OF MOTION TO STRIKE (Appellees)
- 09/10/2002 FILED:NOTICE OF CONFERENCE, Dept. E, 10/23/02
- 09/12/2002 FILED:ORDER - denying appellees' motion to strike portions of the reply brief. FURTHER directing clerk of this court to attach a copy of this order to the inside front cover of the original and all copies of appellants' reply brief. (Dept. E, Judges Timmer, Patterson, Snow)
- 10/18/2002 FILED:LETTER, 10/18/02, to Clerk, Maricopa County Superior Court, RE returning enclosed document re Defendants ASM America, Inc.'s Notice of Supplemental Filing in Support of its motion for sanctions (Lawrence v. ASM Maricopa CV2001-008316). It was inadvertently included in the record transmitted for case # 1 CA-CV 02-0160. (G. Clark, Clerk)
- 10/23/2002 FILED:ORDER - under advisement (Dept. E, Judges Timmer, Patterson, Snow)
- 07/31/2003 FILED:ORDER - OPINION (VACATED AND REMANDED) (Dept. E, Judge Snow, CONCURRING: Judge Timmer, Judge Patterson)
- 07/31/2003 FILED:LETTER, 7/31/03, to Mead Data Central, RE: Opinion filed 7/31/03.
- 07/31/2003 FILED:LETTER, 7/31/03, to West Publishing Co., RE: Opinion filed 7/31/03.
- 07/31/2003 FILED:DHL RECEIPT, #7713667581, to Lexis Nexis.
- 07/31/2003 FILED:FEDEX RECEIPT, #841380668971, to West Group
- 07/31/2003 FILED:GENERAL DISTRIBUTION LIST
- 08/13/2003 FILED:APPELLANTS' APPLICATION FOR AWARD OF ATTORNEY'S FEES
- 08/13/2003 FILED:APPELLANTS' STATEMENT OF COSTS
- 08/25/2003 FILED:OBJECTION TO STATEMENT OF COSTS AND APPLICATION FOR ATTORNEYS' FEES (Appellees Boyles)
- 08/25/2003 FILED:OBJECTION TO STATEMENT OF COSTS AND APPLICATION FOR ATTORNEYS' FEES (Appellee The point)
- 09/05/2003 FILED:APPELLANTS' REPLY IN SUPPORT OF THEIR STATEMENT OF COSTS AND APPLICATION FOR AWARD OF ATTORNEY'S FEES
- 09/11/2003 FILED:ORDER - denying Appellants' request for attorneys' fees; FURTHER granting Appellants' request for statement of costs in the amount of \$349. FURTHER should the trial court determine that the Johnsons are the prevailing party. the trial court is authorized to consider the fees incurred by the Johnsons, in determining whether and how much to award as reasonable attorneys' fees. (Dept. E, G. Snow, Judge)
- 09/17/2003 FILED:LETTER, 9/17/03, Original MANDATE, Copy of Opinion, Record returned to Clerk, Maricopa County Superior Court.
- 09/17/2003 FILED:LETTER, 9/17/03, to The Bureau of National Affairs RE: Case Mandate on 9/17/03 , from the Court of Appeals, Division One, Phoenix.
- 09/17/2003 FILED:LETTER, 9/17/03, to Mead Data Central, RE: Opinion filed 7/31/03.

1 CA-CV 02-0160 DOCKET ENTRIES ... Continued

09/17/2003 FILED:LETTER, 9/17/03, to West Publishing Co. RE: Opinion Filed
7/31/03.
09/17/2003 FILED:DHL RECEIPT, #7658661920, to Lexis Nexis.
09/17/2003 FILED:FEDEX RECEIPT #841380669095, to West Group