

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:

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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

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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

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September 19, 2003  
MARICOPA COUNTY  
SUPERIOR COURT  
CV 01-007838

A true copy of the foregoing  
order was mailed  
September 19, 2003 to:

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Attorneys for Defendants-Appellees  
Boyles

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Honorable Pendleton Gaines, III, Judge  
MARICOPA COUNTY SUPERIOR COURT  
Central Court Building  
201 West Jefferson  
Phoenix, AZ 85003

Mr. Michael K. Jeanes, Clerk  
MARICOPA COUNTY SUPERIOR COURT  
Central Court Building  
201 West Jefferson Street  
Phoenix, AZ 85003

Philip G. Urry , Clerk  
By

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Deputy Clerk