

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 04/07/2023
AMY M. WOOD,
CLERK
BY: KLE

MARK FINCHEM,)
) Court of Appeals
) Division One
Plaintiff/Appellant,) No. 1 CA-CV 23-0064
)
)
v.) Maricopa County
) Superior Court
ADRIAN FONTES et al.,) No. CV2022-053927
)
)
Defendants/Appellees.)
)

ORDER GRANTING MOTION/STAYING APPEAL

The court has considered the joint motion for procedural order.

On December 21, 2022, appellant appealed from an Arizona Rule of Civil Procedure 54(b) judgment that granted a motion to dismiss but did not resolve the sanctions issue. That notice of appeal forms the basis for the subject appeal 1 CA-CV 23-0064. The parties indicate the superior court has since resolved the sanctions issue, and a motion for reconsideration is pending. Appellant intends to appeal the sanctions ruling after a final judgment is entered.

The parties request a stay of this appeal pending the forthcoming notice of appeal from the sanctions ruling so the appeals can be consolidated.

IT IS ORDERED granting the motion.

IT IS FURTHER ORDERED staying this appeal pending further order of the court and vacating the April 7, 2023 due date for the opening brief.

IT IS FURTHER ORDERED that within 10 days after appellant files a

notice of appeal from the final judgment, appellant shall notify this court of such filing and attach the notice of appeal and final judgment to the notice.

IT IS FURTHER ORDERED directing appellant to file notice in this court by May 22, 2023, indicating the status of the superior court proceedings if a notice pursuant to the previous paragraph is not filed before that date.

_____/s/_____
Melina Brill, Judge Pro Tempore

A copy of the foregoing
was sent to:

Daniel J McCauley III
Craig A Morgan
Shayna Gabrielle Stuart
Jake Tyler Rapp
Amy B Chan

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