

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 6/14/21
AMY M. WOOD,
CLERK
BY: RB

JOHN DOE,)
) Court of Appeals
) Division One
Plaintiff/Appellant,) No. 1 CA-CV 21-0302
)
v.) Maricopa County
) Superior Court
TRAVIS PAUL GRANT, et al.,) No. CV2021-090059
)
Defendants/Appellees.)
_____)

ORDER STAYING APPEAL

The court has reviewed the record pursuant to its duty to determine whether it has jurisdiction over this appeal. *See Sorensen v. Farmers Ins. Co.*, 191 Ariz. 464, 465 (App. 1997).

Appellant appeals from an unsigned minute entry filed on April 1, 2021, that granted appellees' motion to dismiss. The notice of appeal is premature because it was filed before the superior court issued a signed judgment with a certification that no further matters remain pending and that it is entered under Arizona Rule of Civil Procedure (Rule) 54(c). *See Madrid v. Avalon Care Center-Chandler, L.L.C.*, 236 Ariz. 221 (App. 2014). Therefore, pursuant to Arizona Rule of Civil Appellate Procedure 3(b),

IT IS ORDERED staying this appeal until July 12, 2021, and revesting jurisdiction in the Superior Court of Maricopa County for the purpose of permitting that court to consider a motion by appellant for a signed judgment with a certification of finality pursuant to Rule 54(c). This

order does not constitute an expression of opinion by this court on the merits of the motion.

IT IS FURTHER ORDERED that the superior court is authorized to rule on the motion.

IT IS FURTHER ORDERED that if the superior court grants the motion, appellant shall file a copy of the judgment within 10 days after entry. Once the clerk of this court has received the judgment, the appeal shall be automatically reinstated.

IT IS FURTHER ORDERED that if the appeal has not been reinstated by the filing of a Rule 54(c) judgment by July 12, 2021, appellant shall file a request to continue the stay of the appeal that describes the status of the motion. If appellant does not file a request to continue the stay and the superior court has not entered a judgment, the appeal shall be dismissed.

IT IS FURTHER ORDERED that if a Rule 54(c) judgment has been filed before July 12, 2021, the case management statement shall be due on July 22, 2021, and the opening brief shall be due on August 11, 2021.

IT IS FURTHER ORDERED that, in addition to the usual distributions, the clerk of this court shall send this order to the Honorable Tracey Westerhausen and to the clerk of the superior court.

_____/s/_____
Melina Brill, Judge Pro Tempore

A copy of the foregoing
was sent to:

Andrew Ivchenko
David Scott Gingras
Michael S Catlett
Brunn W Roysden III
Hon Tracey Westerhausen
Jeff Fine