

Court of Appeals, Division One

Civil Appeal

1 CA-CV 21-0305

AL-KHATTAB v. TEMPE

Appellate Case Information

Case Filed: 28-May-2021

Case Closed:

Dept/Composition

Side 1. MASJID OMAR IBN AL-KHATTAB, Plaintiff/Appellee/Cross-Appellant

(Litigant Group) MASJID OMAR IBN AL-KHATTAB

- Masjid Omar Ibn Al-Khattab

Attorneys for: Plaintiff/Appellee-Cross Appellant

Colin F Campbell, Esq. (AZ Bar No. 4955)

Heather A. Robles, Esq. (AZ Bar No. 36790)

Side 2. CITY OF TEMPE, Defendant/Appellant/Cross-Appellee

(Litigant Group) CITY OF TEMPE

- City of Tempe

Attorneys for: Defendant/Appellant-Cross Appellee

Sarah R Anchors, Esq. (AZ Bar No. 25344)

Eric C Anderson, Esq. (AZ Bar No. 16114)

Matthew J Mansfield, Esq. (AZ Bar No. 24046)

Side 3. MOONSHADOW PROPERTIES, LLC, Intervenor/Appellant/Cross-Appellee

(Litigant Group) MOONSHADOW PROPERTIES, LLC

- Moonshadow Properties LLC

Attorneys for: Intervenor/Appellant-Cross Appellee

Robert A Mandel, Esq. (AZ Bar No. 22936)

CASE STATUS

Feb 25, 2022....Stayed

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, LC2019-000395-001, Complaint for Special Action, James D Smith, Authoring Judge of Order.

OPEN DUE DATE

Court Ordered Document due

Due By:

Friday, November 15, 2024

Re: \* ORDERED: Status Report (Appellant/Cross-Appellee Tempe) = GRANTED and continuing the stay of this appeal. FURTHER ORDERED: Within 10 days after resolution of case no. LC2022-000045, appellants/cross-appellees shall notify this court of such resolution a

PENDING MATTER

Div 1 Request for Oral Argument

Filed: 17-Nov-2021

Request for Oral Argument (Appellee/Cross-Appellant)

55 PROCEEDING ENTRIES

- 1. 28-May-2021 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/30/21
2. 2-Jun-2021 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 2-Jun-2021 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 15-Jun-2021 FILED: Notice of Appearance and Filing Fee Payment; Certificate of Service (Appellant Moonshadow)
5. 21-Jun-2021 RECEIPT No.: 2021-00652 ; \$280.00, Authorization: #72011187529, Applied to: MOONSHADOW PROPERTIES, LLC - Class A Filing Fee (\$280.00) Paid for: Zuber Lawler - By nCourt LLC
6. 22-Jun-2021 FILED: Case Management Statement and Certificate of Service (Appellant Moonshadow)
7. 22-Jun-2021 FILED: Case Management Statement (Appellant City of Tempe)

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8. 29-Jun-2021 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
9. 30-Jun-2021 FILED: Letter, 6/30/21, from Appellee to Court re: payment of Appellee filing fee (Appellee)
10. 6-Jul-2021 RECEIPT No.: 2021-00736 ; \$140.00, Authorization: #87023319874, Applied to: MASJID OMAR IBN AL-KHATTAB - Class B Filing Fee (\$140.00) Paid for: Osborn Maledon PA - By nCourt LLC
11. 20-Jul-2021 FILED: Joint Motion for Procedural Order Extending Deadlines for Opening Briefs; Certificate of Service (Appellant Moonshadow)
12. 21-Jul-2021 ORDERED: Joint Motion for Procedural Order Extending Deadlines for Opening Briefs (Appellant) = GRANTED. Due dates EXTENDED from Monday, 08-02-2021 to Thursday, 09-02-2021. If briefs are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
13. 28-Jul-2021 FILED: Case Management Statement (Appellee)
14. 30-Aug-2021 FILED: Reporter's Transcript - 09/11/2020 - Oral Argument (Kimberly McCright); Certificate of Service (Appellant City)
15. 30-Aug-2021 FILED: Reporter's Transcript - 12/11/2020 - Oral Argument (Kimberly McCright); Certificate of Service (Appellant City)
16. 2-Sep-2021 FILED: Emergency Motion for Procedural Order Extending Opening Brief Deadline Due to Hard Drive Malfunction; Certificate of Service (Appellant Moonshadow)
17. 2-Sep-2021 ORDERED: Emergency Motion for Procedural Order Extending Opening Brief Deadline Due to Hard Drive Malfunction (Appellant) = GRANTED. Due dates EXTENDED from Thursday, 09-02-2021 to Tuesday, 09-07-2021. If the briefs are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
18. 7-Sep-2021 FILED: Opening Brief of Defendant/Appellant City of Tempe; Certificate of Compliance Re Opening Brief of Defendant/Appellant City of Tempe; Certificate of Service Re Opening Brief of Defendant/Appellant City of Tempe; Addendum Re Opening Brief of Defendant/Appellant City of Tempe (Appellant City of Tempe)
19. 7-Sep-2021 FILED: Opening Brief of Moonshadow Properties; Certificate of Compliance; Certificate of Service (Appellant Moonshadow)
20. 4-Oct-2021 FILED: Plaintiff/Appellee/Cross-Appellant's Unopposed Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee/Cross-Appellant)
21. 5-Oct-2021 ORDERED: Amending the caption in this appeal by adding the designations of "cross-appellant" and "cross-appellees." The caption shown on this order shall be used on all future documents filed in this appeal. FURTHER ORDERED: An additional \$140.00 filing fee, payable to the clerk of the court, due from appellee/cross-appellant by 10/15/2021. FURTHER ORDERED: Answering brief/cross-appeal opening brief due 10/25/2021. Melina Brill ProTem Judge - Author
22. 5-Oct-2021 FILED: Letter, 10/05/21, from Appellee/Cross-Appellant to Court re: additional \$140 filing fee (Appellee/Cross-Appellant)
23. 6-Oct-2021 ORDERED: Plaintiff/Appellee/Cross-Appellant's Unopposed Motion for Extension of Time to File Answering Brief (Appellee/Cross-Appellant) = GRANTED. Due date EXTENDED from Monday, 10-25-2021 to Wednesday, 11-17-2021. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
24. 12-Oct-2021 RECEIPT No.: 2021-01116 ; \$140.00, Authorization: #85006974046, Applied to: MASJID OMAR IBN AL-KHATTAB - Class A Upgrade Fee (A-B) (\$140.00) Paid for: Osborn Maledon PA - By nCourt LLC
25. 17-Nov-2021 FILED: Plaintiff/Appellee/Cross-Appellant's Answering Brief, Opening Brief on Cross-Appeal, and Appendix; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
26. 17-Nov-2021 FILED: Request for Oral Argument; Certificate of Service (Appellee/Cross-Appellant)
27. 6-Dec-2021 FILED: Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline; Certificate of Service re Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline (Appellant/Cross-Appellee City of Tempe)
28. 6-Dec-2021 ORDERED: Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline (Appellant/Cross-Appellee City of Tempe) = GRANTED. Due dates EXTENDED from Monday, 12-27-2021 to Wednesday, 01-26-2022. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
29. 21-Jan-2022 FILED: Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline; Certificate of Service re Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline (Appellant/Cross-Appellee City of Tempe)
30. 24-Jan-2022 ORDERED: Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline (submitted by Appellant/Cross-Appellee City of Tempe) = GRANTED. Due dates EXTENDED from Wednesday, 01-26-2022 to Friday, 02-25-2022. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author

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31. 24-Jan-2022 DUPLICATE ORDER: Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline (submitted by Appellant/Cross-Appellee City of Tempe) = GRANTED. Due dates EXTENDED from Wednesday, 01-26-2022 to Friday, 02-25-2022. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
32. 18-Feb-2022 FILED: Motion by Appellants City of Tempe and Moonshadow Properties, L.L.C. for Procedural Order Extending Reply/Answering Briefs Deadline and Request for Expedited Consideration; Certificate of Service (Appellant/Cross-Appellees City)
33. 18-Feb-2022 FILED: Corrected Motion by Appellants City of Tempe and Moonshadow Properties, L.L.C. for Procedural Order Extending Reply/Answering Briefs Deadline and Request for Expedited Consideration; Certificate of Service (Appellant/Cross-Appellees City)
34. 18-Feb-2022 ORDERED: Vacating 02/25/2022 due date for reply briefs/cross-appeal answering briefs. Order ruling on pending extension motion will set a due date for briefs. Melina Brill ProTem Judge - Author
35. 21-Feb-2022 FILED: Response to Corrected Motion by Appellants City of Tempe and Moonshadow Properties, L.L.C. for Procedural Order Extending Reply/Answering Brief Deadline; Certificate of Service (Appellee/Cross-Appellant)
36. 22-Feb-2022 FILED: Reply in Support of Motion by Appellants City of Tempe and Moonshadow Properties, L.L.C. for Procedural Order Extending Reply/Answering Briefs Deadline; Certificate of Service re Reply in Support of Motion by Appellants City of Tempe and Moonshadow Properties, L.L.C. for Procedural Order Extending Reply/Answering Briefs Deadline (Appellant/Cross-Appellees City)
37. 25-Feb-2022 ORDERED: Staying appeal pending further order. FURTHER ORDERED: Within 10 days after resolution of superior court action concerning the challenge to the ordinance, appellants/cross-appellees shall notify this court of such resolution and indicate whether they intend to pursue appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file status report by 08/26/2022, if notice pursuant to previous paragraph is not filed before that date. Hon Kent E Cattani - Author
38. 22-Aug-2022 FILED: Notice of Substitution of Attorney for Governmental Entity; Certificate of Service re Substitution of Attorney for Governmental Entity (Appellant/Cross-Appellee City of Tempe)
39. 26-Aug-2022 FILED: Status Report; Certificate of Service re Status Report (Appellant/Cross-Appellee City)
40. 30-Aug-2022 ORDERED: Continuing stay of appeal. FURTHER ORDERED: Within 10 days after resolution of superior court action concerning ordinance, appellants/cross-appellees shall notify this court of such resolution and indicate whether they intend to pursue appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file status report by 12/16/2022, if notice pursuant to previous paragraph is not filed before that date. Melina Brill ProTem Judge - Author
41. 15-Dec-2022 FILED: Status Report; Certificate of Service re Status Report (Appellant/Cross-Appellee City)
42. 15-Dec-2022 FILED: First Amended Certificate of Service re Status Report (Appellant/Cross-Appellee City)
43. 16-Dec-2022 ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: Within 10 days after resolution of superior court action concerning the ordinance, appellants/cross-appellees shall notify this court of such resolution and indicate whether they intend to pursue appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file a status report by 05/05/2023, if notice pursuant to previous paragraph is not filed before that date. Melina Brill ProTem Judge - Author
44. 11-Jan-2023 FILED: Notice of Withdrawal of Counsel from Within a Firm; Certificate of Service (Appellee/Cross-Appellant)
45. 5-May-2023 FILED: Status Report; Certificate of Service re Status Report (Appellant/Cross-Appellee City)
46. 9-May-2023 ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: Within 10 days after resolution of case no. LC2022-000045, appellants/cross-appellees shall notify this court of such resolution and indicate whether they intend to pursue this appeal. FURTHER ORDERED: Directing appellants/ cross-appellees to file a status report by 08/04/2023, if notice pursuant to the previous paragraph is not filed before that date. Melina Brill ProTem Judge - Author
47. 3-Aug-2023 FILED: Status Report; Certificate of Service Re Status Report (Appellant/Cross-Appellee City)
48. 7-Aug-2023 ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: Within 10 days after resolution of case no. LC2022-000045, appellants/cross-appellees shall notify this court of such resolution and indicate whether they intend to pursue this appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file a status report by 11/06/2023, if notice pursuant to the previous paragraph is not filed before that date. Melina Brill ProTem Judge - Author
49. 6-Nov-2023 FILED: Status Report; Certificate of Service Re Status Report (Appellant/Cross-Appellee City)
50. 7-Nov-2023 ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file a status report by 03/08/2024, if notice pursuant to the previous paragraph is not filed before that date. Melina Brill ProTem Judge - Author
51. 6-Mar-2024 FILED: Status Report; Certificate of Service Re Status Report (Appellant/Cross-Appellee City)

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52. 12-Mar-2024 ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file a status report by 07/10/2024, if notice pursuant to the previous paragraph is not filed before that date. Barbara Vidal Vaught ProTem Judge - Author
53. 25-Jun-2024 FILED: Notice of Substitution of Counsel re Governmental Entity; Certificate of Service re Notice of Substitution of Counsel re Governmental Entity (Appellant/Cross-Appellee Tempe)
54. 10-Jul-2024 FILED: Status Report; Certificate of Service re Status Report (Appellant/Cross-Appellee Tempe)
55. 16-Jul-2024 ORDERED: Status Report (Appellant/Cross-Appellee Tempe) = GRANTED and continuing the stay of this appeal. FURTHER ORDERED: Within 10 days after resolution of case no. LC2022-000045, appellants/cross-appellees shall notify this court of such resolution and indicate whether they intend to pursue this appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file a status report by 11/15/2024, if notice pursuant to the previous paragraph is not filed before that date. Melina Brill ProTem Judge - Author