

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0371

STATE, et al. v. FOOTHILLS/HANKE, et al.

Appellate Case Information

Case Filed: 14-Jun-2022
Case Closed: 29-Aug-2024

Decision

Dept/Composition

Department E

Hon. Cynthia J Bailey
Hon. Jennifer B Campbell
Hon. David D Weinzweig

Side 1. STATE OF ARIZONA, et al., Plaintiff/Appellant

(Litigant Group) STATE OF ARIZONA, et al.

- State of Arizona
John Halikowski

Attorneys for: Plaintiff/Appellant

Michelle Burton, Esq. (AZ Bar No. 30311)
Joe Acosta, Jr, Esq. (AZ Bar No. 5378)

Side 2. FOOTHILLS RESERVE MASTER OWNERS ASSOCIATION, INC., Defendant/Appellee

(Litigant Group) FOOTHILLS RESERVE MASTER OWNERS ASSOCIATION, INC.

- Foothills Reserve Master Owners Association Inc

Attorneys for: Defendant/Appellee Foothills

Dale S Zeitlin, Esq. (AZ Bar No. 6615)
Casandra C. Markoff, Esq. (AZ Bar No. 33990)

Side 3. DIETMAR HANKE, et al., Intervenor/Appellee

(Litigant Group) DIETMAR HANKE, et al.

- Dietmar Hanke PRO SE
Linda Hanke PRO SE

CASE STATUS

Aug 29, 2024...Case Closed

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR CV2017-010359, Eminent Domain, Condemnation, Timothy J Thomason, Authoring Judge of Order.

Table with 2 columns: DESCENDENT CASE(S), Cause/Charge/Class. Row 1: ASC CV-23-0292-PR.

CASE DECISION

07-Dec-2023 OPINION

Amended Per Order Filed 12-13-2023

Filed: 07-Dec-2023 Mandate:

David Weinzweig.....Author
Cynthia Bailey.....Concur
Jennifer Campbell.....Concur

Table with 1 column: Decision Disposition. Content: Reversed in Part, Remanded.

32 PROCEEDING ENTRIES

- 1. 15-Apr-2022 FILED: Case Management Statement; Copy of MAR County Superior Court Order filed 03/04/2022 re: Judgment - All Defendants and Claimants Except Intervenors (Appellant) [filed under CV22-0216 see order filed 5/16/22]
2. 14-Jun-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 03/28/22
3. 14-Jun-2022 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
4. 15-Jun-2022 FILED: Appellate Clerk Notice re: No Appellant's Fee Due/Each Appellee's Fee Due/Appellant's Brief Due
5. 15-Jun-2022 FILED: Reporter's Transcript - 06/28/2019 - Oral Argument on the State's Motions for Allowable Damages and Changes in Traffic Flow, and the Homeowners' Motions for Summary Judgment on Severance Damages and Taking of Private Easement (Shirley Lewis) (Appellant)
6. 20-Jun-2022 FILED: Appellee's Notice of Filing Fee Paying; Certificate of Service (Appellee Foothills Reserve Master Owners)

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0371

STATE, et al. v. FOOTHILLS/HANKE, et al.

32 PROCEEDING ENTRIES

7. 20-Jun-2022 FILED: Appellee's Notice of Filing Fee Paying; Amended Certificate of Service (Appellee Foothills Reserve Master Owners)
8. 23-Jun-2022 RECEIPT No.: 2022-00696 ; \$140.00, Authorization: #74011840426, Applied to: FOOTHILLS RESERVE MASTER OWNERS ASSOCIATION, INC. - Class B Filing Fee (\$140.00) Paid for: Zeitlin & Zeitlin PC - By nCourt LLC
9. 15-Aug-2022 FILED: Opening Brief; Certificate of Compliance Opening Brief; Certificate of Service Opening Brief (Appellant)
10. 19-Sep-2022 FILED: Appellee's Motion for Procedural Order: Request for Forty-Two (42) Day Extension to File Answering Brief; Certificate of Service (Appellee Foothills)
11. 20-Sep-2022 ORDERED: Appellee's Motion for Procedural Order: Request for Forty-Two (42) Day Extension to File Answering Brief (Appellee Foothills) = GRANTED in part. Due dates EXTENDED from Monday, 09-26-2022 to Monday, 11-14-2022. If briefs are not timely filed, court will submit appeal for decision on the record and filed briefs. Melina Brill ProTem Judge - Author
12. 10-Nov-2022 FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellee Foothills)
13. 10-Nov-2022 FILED: Request for Oral Argument; Certificate of Service (Appellee Foothills)
14. 30-Nov-2022 FILED: Reply Brief; Reply Brief Certificate of Compliance; Reply Brief Certificate of Service (Appellant)
15. 5-Dec-2022 FILED: Request for Orl [Sic] Argument; Request for Oral Argument Certificate of Service (Appellant)
16. 15-Dec-2022 ORDERED: Requests for Oral Argument (Appellee Foothills)(Appellant) = GRANTED. Hon Kent E Cattani - Author
17. 5-Jan-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 2-2-23, 10:15 am, COURTROOM 1.
18. 10-Jan-2023 FILED: Notice of Oral Argument
19. 10-Jan-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Dale Zeitlin on 01/10/2023 (Appellee Foothills)
20. 10-Jan-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21. 20-Jan-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Michelle Burton on 01/10/2023 (Appellant)
22. 20-Jan-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes Exhibits - List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27)
23. 2-Feb-2023 FILED: Sign-in Sheet/Case is Under Advisement as of 02/02/2023
24. 7-Dec-2023 OPINION (Reversed in Part, Remanded) Hon David D Weinzweig - Author; Hon Cynthia J Bailey - Concur; Hon Jennifer B Campbell - Concur
25. 7-Dec-2023 FILED: Opinion Distribution List
26. 13-Dec-2023 ORDERED: Directing the Clerk of this court to amend, by interlineation, paragraph number 19, line 13 and paragraph number 20, line 2 of the Opinion issued on 12/07/2023, to correct what currently reads "Scalia & Gardner" to "Scalia & Garner." FURTHER ORDERED: A copy of this order be sent to each party appearing herein or to the attorney for such party. Hon David D Weinzweig - Author
27. 14-Dec-2023 FILED: ASC Order extending the time to file a Petition for Review to 2/9/23 [sic]
28. 15-Dec-2023 FILED: Amended ASC Order filed 12/15/2023 re: extending time for filing Petition for Review to 02/09/2024.
29. 5-Feb-2024 FILED: Email Notice from ASC re: Petition for Review filed 02/05/2024; request for partial record
30. 5-Feb-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
31. 23-Aug-2024 FILED: Letter from ASC, 8/23/24, re: Petition for Review GRANTED on 8/20/24.
32. 29-Aug-2024 FILED: Copy of Letter forwarding complete record to ASC