

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0771

HV & CANAL v. ADOT et al.

Appellate Case Information

Case Filed: 27-Dec-2022

Case Closed:

Dept/Composition

Department F

Hon. Jennifer B Campbell
Hon. Kent E Cattani
Hon. Anni Hill Foster

Side 1. HV & CANAL LLC, Plaintiff/Appellant

(Litigant Group) HV & CANAL

- HV & Canal LLC

Attorneys for: Plaintiff/Appellant

Martin A Aronson, Esq. (AZ Bar No. 9005)

Jeffrey D Gross, Esq. (AZ Bar No. 11510)

Side 2. ARIZONA DEPARTMENT OF TRANSPORTATION, et al., Defendant/Appellee

(Litigant Group) ADOT et al.

- Arizona Department of Transportation
Dallas Hammit

Attorney for: Defendants/Appellees

Michelle Burton, Esq. (AZ Bar No. 30311)

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

CASE STATUS

Feb 29, 2024....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2019-009886, Non-Classified Civil, Katherine Cooper, Authoring Judge of Order.

Table with 2 columns: DESCENDENT CASE(S), Cause/Charge/Class. Row 1: ASC, CV-24-0046-PR.

CASE DECISION

12-Feb-2024 MEMORANDUM DECISION

Jennifer Campbell.....Author
Kent Cattani.....Concur
Anni Foster.....Concur

Filed: 13-Feb-2024 Mandate:

Decision Disposition

Affirmed

30 PROCEEDING ENTRIES

- 1. 27-Dec-2022 FILED: Index of Record, Notice of Appeal filed in Superior Court of Maricopa County 11/28/22
2. 27-Dec-2022 FILED: Record on Appeal: Combined Instruments/Minute Entries e-Exhibits: Hearing Date 8/8/22 - List and #1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15
3. 27-Dec-2022 FILED: Physical Exhibits: Hearing Date 8/8/22 - List and #17, 18, 19, 20 in manila envelope
4. 29-Dec-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 29-Dec-2022 FILED: Notice of Filing Transcript; Certificate of Service; Reporter's Transcript - 08/08/2022 - Bench Trial Day 1 (Brenda Clark); Reporter's Transcript - 08/09/2022 - Bench Trial Day 2 (Cathy Kleinbart) (Appellant)
6. 4-Jan-2023 RECEIPT No.: 2023-00018 ; \$280.00, Authorization: #04007148869, Applied to: HV & CANAL - Class A Filing Fee (\$280.00) Paid for: Berry Riddell LLC - By nCourt LLC
7. 10-Jan-2023 FILED: Case Management Statement (Appellant)
8. 10-Jan-2023 FILED: Amended Case Management Statement (Appellant)
9. 10-Jan-2023 FILED: Notice of Paying Appellant's Filing Fee; Certificate of Service (Appellant)
10. 13-Jan-2023 FILED: Appellate Clerk Notice re: Appellant's Brief Due
11. 27-Feb-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 22-0771**

**HV & CANAL v. ADOT et al.**

**30 PROCEEDING ENTRIES**

12. 10-Apr-2023 FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
13. 24-Apr-2023 FILED: Appellant's Unopposed Motion for Procedural Order Extending Time to File Reply Brief; Certificate of Service (Appellant)
14. 25-Apr-2023 ORDERED: Appellant's Unopposed Motion for Procedural Order Extending Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 05-01-2023 to Tuesday, 05-30-2023. 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
15. 30-May-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
16. 6-Jun-2023 FILED: Joint Request for Oral Argument; Joint Request for Oral Argument Certificate of Service (Appellee)
17. 27-Jun-2023 ORDERED: Joint Request for Oral Argument (Appellee) = GRANTED. Hon Kent E Cattani - Author
18. 30-Jun-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
19. 10-Jul-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
20. 28-Jul-2023 FILED: Notice of Oral Argument
21. 3-Aug-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Michelle Burton on 07/28/2023 (Appellee)
22. 9-Aug-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department F, 9-28-23, 09:30 am, COURTROOM 2.
23. 25-Aug-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Jeffrey Gross on 07/28/2023 (Appellant)
24. 20-Sep-2023 FILED: Appellant's Supplemental Citation of Legal Authority; Certificate of Service (Appellant)
25. 22-Sep-2023 FILED: Appellee's Supplemental Citation Of Legal Authority; Certificate of Service (Appellee)
26. 28-Sep-2023 FILED: Sign-in Sheet/Case is Under Advisement as of 09/28/2023
27. 13-Feb-2024 MEMORANDUM DECISION (Affirmed) Hon Jennifer B Campbell - Author; Hon Kent E Cattani - Concur; Hon Anni Hill Foster - Concur
28. 13-Feb-2024 FILED: Decision Distribution Notification
29. 29-Feb-2024 FILED: Email Notice from ASC re: Petition for Review filed 02/29/2024; request for partial record
30. 4-Mar-2024 FILED: Letter forwarding partial record to Arizona Supreme Court