

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0092

RYNN v. AVONDALE, et al.

Appellate Case Information

Case Filed: 22-Feb-2023

Case Closed: 19-Jan-2024

Reinstated x 1: 1-Feb-2024 Decision

Re-Closed:

Dept/Composition

Department D

Hon. David D Weinzweig
Hon. Michael S Catlett
Hon. Maria Elena Cruz

Side 1. RICHARD RYNN, Plaintiff/Appellant

(Litigant Group) RICHARD RYNN

- Richard Rynn PRO SE

Side 2. AVONDALE COURT CRAIG JENNINGS, et al., Defendant/Appellee

(Litigant Group) AVONDALE COURT/CRAIG JENNINGS

- Avondale Municipal Court
Hon. Craig L Jennings

Attorneys for: Defendant/Appellee Avondale

Stephen M Kemp, Esq. (AZ Bar No. 10026)
Lisa Maxie-Mullins, Esq. (AZ Bar No. 20883)
Brandon James Cartwright, Esq. (AZ Bar No. 36834)
Nicholle Harris, Esq. (AZ Bar No. 25523)

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Defendant/Appellee State of AZ

Eryn M McCarthy, Esq. (AZ Bar No. 15182)

(Litigant Group) SHAYLEY MATHEWS

- Shayley Mathews PRO SE

(Litigant Group) PATRICK CAMUNEZ

- Patrick J Camunez
AZ Bar No. 28662
[Suspended]
First Transit Inc

Attorneys for: Defendants/Appellees Camunez/First

R Shawn Oller, Esq. (AZ Bar No. 19233)
Kimberly Shapple, Esq. (AZ Bar No. 35740)

CASE STATUS

Feb 1, 2024.....Reinstated Case

Jan 28, 2024.....Pending in ASC

Table with columns: PREDECESSOR CASE (S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Includes rows for MAR CV2022-011208 and AVONM P02019000235.

DESCENDENT CASE (S)

ASC CV-24-0017-PR
ASC CV-24-0032-SA

CASE DECISION

12-Dec-2023 MEMORANDUM DECISION

Maria Cruz.....Author
David Weinzweig.....Concur
Michael Catlett.....Concur

Filed: 12-Dec-2023 Mandate: 19-Jan-2024

Decision Disposition

Affirmed

66 PROCEEDING ENTRIES

- 1. 22-Feb-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/24/23
2. 22-Feb-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None

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3. 23-Feb-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 24-Feb-2023 FILED: Notice Filing Fee Paid to Court of Appeals Division One; (Untitled) Certificate of Service (Appellant Pro Per)
5. 2-Mar-2023 RECEIPT No.: 2023-00200 ; \$280.00, Authorization: 61006814468, Applied to: RICHARD RYNN - Class A Filing Fee (\$280.00) Paid for: RICHARD RYNN - By nCourt LLC
6. 6-Mar-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
7. 8-Mar-2023 ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 04/06/2023. Signed order re: minute entry of 01/20/2023 filed 01/23/2023 due within 10 days after its entry. If appeal reinstated by filing of signed order, opening brief due 05/08/2023. Melina Brill ProTem Judge - Author
8. 20-Mar-2023 FILED: Appellees' Notice of Payment of Filing Fee; Appellees' Certificate of Service (Appellee Camunez)
9. 27-Mar-2023 RECEIPT No.: 2023-00293 ; \$140.00, Authorization: #86009222137, Applied to: PATRICK CAMUNEZ - Class B Filing Fee (\$140.00) Paid for: Littler Mendelson PC - By nCourt LLC
10. 6-Apr-2023 FILED: Plaintiff Rynn Motion To Continue Stay Of Proceedings; (Untitled) Certificate of Service; Exhibit A (Appellant Pro Per)
11. 7-Apr-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
12. 7-Apr-2023 ORDERED: Plaintiff Rynn Motion To Continue Stay Of Proceedings (Appellant) = DENIED. Appellant is reminded that the case management statement is due on 04/17/2023, and the opening brief is due on 05/08/2023. If the statement and brief are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
13. 17-Apr-2023 FILED: Case Management Statement (Appellant Pro Per)
14. 23-Apr-2023 FILED: Revised Case Management Statement (Appellant Pro Per)
15. 25-Apr-2023 FILED: Motion for Twenty-One Day Extension of Time to File Opening Brief; (Untitled) Certificate of Service; Proposed Order (Appellant Pro Per)
16. 26-Apr-2023 ORDERED: Motion for Twenty-One Day Extension of Time to File Opening Brief (Appellant Pro Per) = GRANTED and extending the time to file the opening brief from 05/08/2023 to 05/30/2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
17. 30-May-2023 FILED: Appellant Opening Brief; Certificate of Compliance; (Untitled) Certificate of Service (Appellant Pro Per)
18. 31-May-2023 FILED: Revised Appellant Opening Brief (Oral Argument Requested); Certificate of Compliance; (Untitled) Certificate of Service (Appellant Pro Per)
19. 31-May-2023 FILED: Appellant Notice (to Accept) Revised Opening Brief (Oral Argument Requested); (Untitled) Certificate of Service (Appellant Pro Per)
20. 20-Jun-2023 ORDERED: Appellant Notice Revised Opening Brief (Appellant Pro Per) = GRANTED and accepting the revised opening brief filed on 05/31/2023, in place of the brief filed on 05/30/2023. Melina Brill ProTem Judge - Author
21. 10-Jul-2023 FILED: The State of Arizona's Motion For Procedural Order: Extension of Time to File Answering Brief; Certificate of Service (Appellee)
22. 10-Jul-2023 ORDERED: The State of Arizona's Motion For Procedural Order: Extension of Time to File Answering Brief (Appellee) = GRANTED. All Answering Brief due dates EXTENDED from Monday, 07-17-2023 to Thursday, 08-17-2023. If briefs not timely filed, the court will submit this appeal on the record and the filed briefs. Barbara Vidal Vaught ProTem Judge - Author
23. 10-Jul-2023 FILED: Appellee First Transit Inc. and Appellee Patrick Camunez's Answering Brief; Appellee First Transit Inc. and Patrick Camunez's Certificate of Compliance; Appellee First Transit Inc. and Patrick Camunez's Certificate of Service (Appellee Camunez/First)
24. 10-Jul-2023 FILED: Appellee First Transit Inc. and Appellee Patrick Camunez's Appendix in Support of Answering Brief Volume 1 of 4 (Appellee Camunez/First)
25. 10-Jul-2023 FILED: Appellee First Transit Inc. and Appellee Patrick Camunez's Appendix in Support of Answering Brief Volume 2 of 4 (Appellee Camunez/First)
26. 10-Jul-2023 FILED: Appellee First Transit Inc. and Appellee Patrick Camunez's Appendix in Support of Answering Brief Volume 3 of 4 (Appellee Camunez/First)
27. 10-Jul-2023 FILED: Appellee First Transit Inc. and Appellee Patrick Camunez's Appendix in Support of Answering Brief Volume 4 of 4 (Appellee Camunez/First)

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28. 18-Jul-2023 FILED: Notice of State's Intention Not to File an Answering Brief; Certificate of Service (Appellee State)
29. 24-Jul-2023 FILED: Answering Brief of Defendants/Appellees City of Avondale, The Avondale City Court, and The Honorable Craig Jennings; Certificate of Compliance; Certificate of Service (Appellee Avondale Court)
30. 27-Jul-2023 FILED: Motion for Thirty Day Extension of Time to File Reply Brief; Certificate of Service; Proposed Order (Appellant)
31. 28-Jul-2023 ORDERED: Motion for Thirty Day Extension of Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-14-2023 to Wednesday, 08-30-2023. Melina Brill ProTem Judge - Author
32. 25-Aug-2023 ORDERED: Upon filing of the reply brief, this appeal will be submitted for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
33. 30-Aug-2023 FILED: Appellant Rynn Reply Brief; Certificate of Compliance; Certificate of Compliance (Appellant Pro Per)  
[see order filed 09/27/2023 substituting brief filed on 09/03/2023]
34. 31-Aug-2023 ORDERED: Appellant must file the certificate of service by 09/11/2023. If the certificate is not timely filed, the court may impose sanctions, including striking the reply brief. Melina Brill ProTem Judge - Author
35. 3-Sep-2023 FILED: Appellant Rynn Notice of Filing August 30, 2023, Certification of Service and Revised Brief; Certificate of Service; (Untitled) Certificate of Service (Appellant Pro Per)
36. 3-Sep-2023 FILED: Appellant Rynn Revised Reply Brief; Certificate of Compliance; Certificate of Service (Appellant Pro Per)
37. 8-Sep-2023 ORDERED: Revised Appellant Opening Brief (ORAL ARGUMENT REQUESTED) (Appellant Pro Per) = DENIED. Hon David B Gass - Author
38. 27-Sep-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
39. 27-Sep-2023 ORDERED: Appellant Rynn Notice of Filing August 30, 2023, Certification of Service and Revised Brief (Appellant Pro Per) = GRANTED and accepting the revised reply brief filed on 09/03/2023, in place of the brief filed on 08/30/2023. Melina Brill ProTem Judge - Author
40. 6-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
41. 25-Oct-2023 CLNDR: CONFERENCE, Department D, 12-6-23, COURTROOM 2.
42. 12-Dec-2023 MEMORANDUM DECISION (Affirmed) Hon Maria Elena Cruz - Author; Hon David D Weinzwieg - Concur; Hon Michael S Catlett - Concur
43. 12-Dec-2023 FILED: Memorandum Decision Distribution List
44. 13-Dec-2023 FILED: Motion for Thirty Day Extension to File Motion for Reconsideration; Untitled (Certificate of Service); Proposed Order (Exhibit) (Appellant Pro Per)
45. 13-Dec-2023 FILED: Notice in Reference to Appellant Motion for a Thirty Day Extension; (Untitled) Certificate of Service (Appellant Pro Per)
46. 14-Dec-2023 ORDERED: Motion for Thirty Day Extension to File Motion for Reconsideration (Appellant Pro Per) = DENIED. Hon Maria Elena Cruz - Author
47. 15-Dec-2023 FILED: Appellant Motion for Clarification; Untitled (Certificate of Service); Proposed Order (Exhibit) (Appellant Pro Per)
48. 15-Dec-2023 FILED: Appellant Motion for Clarification (Duplicate); (Untitled) Certificate of Service (Duplicate); Proposed Order (Duplicate) (Appellant Pro Per)
49. 17-Dec-2023 FILED: Appellant Motion to Dismiss Appeal for Lack of Jurisdiction from Lack of a Signed Order from Originating Case LC2022-000265; Untitled (Certificate of Service); Proposed Order; Exhibit A (to Appellant Motion to Dismiss Appeal for Lack of Jurisdiction from Lack of a Signed Order from Originating Case LC2022-000265) (Appellant Pro Per)
50. 22-Dec-2023 FILED: Statement of Costs; Appellees' Certificate of Service (Appellee Camunez)
51. 1-Jan-2024 FILED: Appellant [sic] Motion to Strike Defendant First Transit, Patrick Camunez [sic] Meritless Statement of Costs and Rynn Support for Dismissal of Appeal Based on Fraud and No Final Signed Order from Lower Case; (Untitled) Certificate of Service; Certificate of Compliance; Proposed Order (Appellant Pro Per)
52. 12-Jan-2024 ORDERED: Appellant Motion for Clarification (Appellant Pro Per) And Appellant Motion to Dismiss Appeal for Lack of Jurisdiction from Lack of a Signed Order from Originating Case LC2022-000265 (Appellant Pro Per) = DENIED. Hon Maria Elena Cruz - Author

**Court of Appeals, Division One**

**Civil Appeal**

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**66 PROCEEDING ENTRIES**

53. 12-Jan-2024 ORDERED: Statement of Costs (Appellee Camunez) = GRANTED Appellees' attorneys' fees in the amount of \$23,531 and costs in the amount of \$1387.18. Hon Maria Elena Cruz - Author
54. 16-Jan-2024 FILED: Appellant Rule 60 Motion for New Trial; (Untitled) Certificate of Service; Proposed Order (Appellant Pro Per)
55. 16-Jan-2024 FILED: Appellant Motion to Show Cause; (Untitled) Certificate of Service; Proposed Order (Appellant Pro Per)
56. 18-Jan-2024 ORDERED: Appellant Rule 60 Motion for New Trial and Appellant Motion to Show Cause (Appellant Pro Per) = DENIED. Hon Maria Elena Cruz - Author
57. 19-Jan-2024 FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.
58. 22-Jan-2024 FILED: Appellant Motion to Recall the Mandate; (Untitled) Certificate of Service; Proposed Order (Appellant Pro Per)
59. 22-Jan-2024 FILED: Appellant Motion to Reinstate Appeal and Stay Proceedings for a Signed Order on Appellant Motion to Vacate Remaining Pending in Avondale Court Exhibit A Avondale Docket Record Exhibit B Motion to Transfer and Motion to Vacate; (Untitled) Certificate of Service; Proposed Order; Exhibit A-Exhibit B (Appellant Pro Per)
60. 23-Jan-2024 ORDERED: Appellant Motion to Recall the Mandate (Appellant Pro Per) = DENIED. FURTHER ORDERED: Appellant Motion to Reinstate Appeal and Stay Proceedings for a Signed Order on Appellant Motion to Vacate Remaining Pending in Avondale Court Exhibit A Avondale Docket Record Exhibit B Motion to Transfer and Motion to Vacate (Appellant Pro Per) = DENIED. Hon Maria Elena Cruz - Author
61. 28-Jan-2024 FILED: Email Notice from ASC re: Petition for Review filed 01/28/2024; request for partial record
62. 30-Jan-2024 FILED: ASC Order filed 01/30/2024 re: denying the "Motion for a Stay on Proceedings and Order for a Signed Order on Pending Motions Remaining in Lower Courts," and denying review of the Petition for Review. FURTHER ORDERED: Denying the "Motion to Exceed Word Limit" as moot.
63. 30-Jan-2024 FILED: ASC order filed 01/30/2024 re: denying the "Motion for a Stay on Proceedings and Order for a Signed Order on Pending Motions Remaining in Lower Courts," and denying review of the Petition for Review. FURTHER ORDERED denying the "Motion to Exceed Word Limit" as moot.
64. 31-Jan-2024 FILED: ASC Order filed 01/31/2024 re: denying the motion for release of entire court records without prejudice to Petitioner seeking copies of public records directly from the Clerk, subject to any fee authorized by Arizona law. FURTHER ORDERED: The motion for reconsideration is denied. FURTHER ORDERED: Directing the Clerk to close the file and accept no further pleadings in this matter.
65. 1-Feb-2024 ORDERED: Reinstating this appeal for the purposes of transferring documents requested by the Arizona Supreme Court for review. Amy M Wood - Author
66. 2-Feb-2024 FILED: Letter forwarding partial record to Arizona Supreme Court