

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 23-0157**

**THUNDERBIRD v. HON. VILLA/PHOENIX**

**Appellate Case Information**

Case Filed: 23-Mar-2023  
Case Closed: 26-Aug-2024

**Decision**

**Dept/Composition**

**Department D**  
Hon. Samuel A Thumma  
Hon. Jennifer B Campbell  
Hon. Michael J Brown

**Side 1. THUNDERBIRD DOWNTOWN LLC, Petitioner/Appellant**

(Litigant Group) THUNDERBIRD DOWNTOWN LLC

- Thunderbird Downtown LLC

**Attorneys for: Petitioner/Appellant**

Mark W Horne, Esq. (AZ Bar No. 29449)  
Justin Fouts, Esq. (AZ Bar No. 34881)

**Side 2. ALISHA M. VILLA, Respondent/Appellee**

(Litigant Group) ALISHA M. VILLA

[Removed from distribution per order filed 9/20/23 - mao]

- Hon. Alisha M Villa

**Attorneys for: Respondent/Appellee Villa**

Barton Fears, Esq. (AZ Bar No. 18341)

**Side 3. CITY OF PHOENIX, Real Party in Interest/Appellee**

(Litigant Group) CITY OF PHOENIX

- City of Phoenix

**Attorneys for: Real Party/Appellee City of Phoenix**

Mark E Borzych, Esq. (AZ Bar No. 21436)

**CASE STATUS**

Aug 26, 2024....Case Closed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2021-017599	Special Action		John L Blanchard, Authoring Judge of Order		
MAR CV2022-007882					

**DESCENDENT CASE(S)**

ASC CV-24-0063-PR

**CASE DECISION**

29-Feb-2024 **MEMORANDUM DECISION**

Samuel Thumma.....Author  
Jennifer Campbell.....Concur  
Michael Brown.....Concur

Filed: 29-Feb-2024 Mandate: 26-Aug-2024

Decision Disposition

**Jurisdiction Declined in Part  
Jurisdiction Accepted in Part  
Relief Denied**

**42 PROCEEDING ENTRIES**

- 23-Mar-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/22/23
- 23-Mar-2023 FILED: e-Record on Appeal: (CV2021-017599)  
Instruments/Minute Entries  
Exhibits: None
- 23-Mar-2023 FILED: e-Record on Appeal: (CV2022-007882)  
Instruments/Minute Entries  
Exhibits: None
- 23-Mar-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 6-Apr-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0157****THUNDERBIRD v. HON. VILLA/PHOENIX****42 PROCEEDING ENTRIES**

6. 11-Apr-2023 FILED: Appellant's Case Management Statement (Appellant)
7. 12-Apr-2023 RECEIPT No.: 2023-00351 ; \$280.00, Authorization: #02012260812, Applied to: THUNDERBIRD DOWNTOWN LLC - Class A Filing Fee (\$280.00) Paid for: Carmen Chenal Horne Law Firm PLLC - By nCourt LLC
8. 13-Apr-2023 FILED: Appellant's Amended Case Management Statement (Appellant)
9. 21-Apr-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
10. 5-May-2023 FILED: Application for Substitution of Counsel with Client Consent; Certificate of Service; Application for Substitution of Counsel with Client Consent (Appellant)
11. 9-May-2023 ORDERED: Application for Substitution of Counsel with Client Consent (Appellant) = GRANTED and substituting Mark W. Horne and Justin D. Fouts of Degnan Law Group as counsel for appellant in place of Carmen Chenal of Horne Law Firm, PLLC. Melina Brill ProTem Judge - Author
12. 10-May-2023 FILED: Appellant's First Unopposed Motion for Procedural Order Extending Time to File Response [sic] Brief; Appellant's Certificate of Service Re: First Unopposed Motion for Procedural Order Extending Time to File Response Brief (Appellant)
13. 10-May-2023 FILED: Appellant's Amended First Unopposed Motion for Procedural Order Extending Time to File Opening Brief; Appellant's Certificate of Service Re: First Unopposed Motion for Procedural Order Extending Time to File Opening Brief (Appellant)
14. 10-May-2023 ORDERED: Appellant's First Unopposed Motion for Procedural Order Extending Time to File Opening Brief (Appellant) = GRANTED. Opening Brief due date EXTENDED from Monday, 05-22-2023 to Thursday, 06-22-2023. Melina Brill ProTem Judge - Author
15. 22-Jun-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
16. 22-Jun-2023 FILED: Appellant's Appendix in Support of Opening Brief; Corrected First Amended Special Action Complaint (Appendix) (Appellant)
17. 13-Jul-2023 FILED: Real Party in Interest/Appellee City of Phoenix's First Unopposed Motion for a Procedural Order Extending Time to File an Answering Brief; Certificate of Service Re: Real Party in Interest/Appellee City of Phoenix's First Unopposed Motion for a Procedural Order Extending Time to File an Answering Brief (Appellee City of Phoenix)
18. 14-Jul-2023 ORDERED: Real Party in Interest/Appellee City of Phoenix's First Unopposed Motion for a Procedural Order Extending Time to File an Answering Brief (Real Party in Interest) = GRANTED and extending the time to file all answering briefs from 08/01/2023 to 08/31/2023. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Barbara Vidal Vaught ProTem Judge - Author
19. 31-Aug-2023 FILED: Real Party in Interest/Appellee City of Phoenix's Answering Brief; Certificate of Compliance to Real Party in Interest/Appellee City of Phoenix's Answering Brief; Certificate of Service for Real Party in Interest/Appellee City of Phoenix's Answering Brief (Appellee City of Phoenix)
20. 31-Aug-2023 FILED: Real Party in Interest/Appellee City of Phoenix's Appendix in Support of Answering Brief (Appellee City of Phoenix)
21. 8-Sep-2023 ORDERED: Directing appellant to serve appellee Alisha M. Villa with the opening brief and to file a certificate of service in this court by 09/15/2023. FURTHER ORDERED: Alisha M. Villa's answering brief is due 10/16/2023. If the answering 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
22. 14-Sep-2023 FILED: Appellant's First Unopposed Motion for Procedural Order Extending Time to File Reply Brief; Appellant's Certificate of Service Re: First Unopposed Motion for Procedural Order Extending Time to File Reply Brief (Appellant)
23. 15-Sep-2023 FILED: Appellant's First Revised Unopposed Motion for Procedural Order Extending Time to File Reply Brief; Appellant's Certificate of Service Re: First Revised Unopposed Motion for Procedural Order Extending Time to File Reply Brief (Appellant)
24. 15-Sep-2023 ORDERED: Appellant's First Unopposed Motion for Procedural Order Extending Time to File Reply Brief (Appellant) = DENIED. Melina Brill ProTem Judge - Author
25. 15-Sep-2023 ORDERED: Appellant's First Revised Unopposed Motion for Procedural Order Extending Time to File Reply Brief (Appellant) = GRANTED and extending the time to file the reply brief from 09/20/2023 to 10/10/2023. 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
26. 15-Sep-2023 FILED: Certificate of Service (Certificate of Service for Opening Brief) (Appellant)
27. 19-Sep-2023 FILED: Notice of Non-Filing of Answering Brief by Nominal Party Alisha M. Villa; and Request to be Excused from Further Participation in this Case; Certificate of Service (Appellee Villa)
28. 20-Sep-2023 ORDERED: Notice of Non-Filing of Answering Brief by Nominal Party Alisha M. Villa; and Request to be Excused from Further Participation in this Case (Respondent/Appellee) = GRANTED. FURTHER ORDERED: That any additional documents filed by appellant and appellee City of Phoenix need not be served on appellee Alisha M. Villa. Melina Brill ProTem Judge - Author

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**Civil Appeal**

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**42 PROCEEDING ENTRIES**

29. 10-Oct-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
30. 13-Oct-2023 FILED: Notice of Errata; Certificate of Service (Appellant)
31. 13-Oct-2023 FILED: Appellant's Amended Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
32. 30-Oct-2023 ORDERED: Notice of Errata; Certificate of Service (Appellant) = GRANTED and accepting the amended reply brief filed on 10/13/2023, in place of the brief filed on 10/10/2023. Melina Brill ProTem Judge - Author
33. 24-Nov-2023 CLNDR: CONFERENCE, Department D, 1-10-24, COURTROOM 2.  
[Vacated per 12/22/2023 order]
34. 22-Dec-2023 ORDERED: Vacating conference in this matter, previously set for 01/10/2024 without oral argument. FURTHER ORDERED: The parties have up to and including Friday, 01/19/2024, in which to file simultaneous briefs, not to exceed eight pages, to address whether: (1) the superior court's 02/2022 stay has been lifted and the relief requested in the 2021 complaint has been finally resolved; (2) the 01/2023 Rule 54(c) final judgment was properly issued and (3) whether this court properly has appellate jurisdiction at this time. FURTHER ORDERED: Staying this appeal until 01/19/2024. After that time, this court may resolve this appeal or issue additional orders (if indicated) without further notice to the parties. Hon Samuel A Thumma - Author
35. 19-Jan-2024 FILED: Appellant's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellant)
36. 19-Jan-2024 FILED: Real Party in Interest/Appellee City of Phoenix's Supplemental Brief; Certificate of Compliance to Real Party in Interest/Appellee City of Phoenix's Supplemental Brief; Certificate of Service for Real Party in Interest/Appellee City of Phoenix's Supplemental Brief (Appellee City of Phoenix)
37. 29-Feb-2024 MEMORANDUM DECISION (Jurisdiction Declined in Part, Jurisdiction Accepted in Part, Relief Denied) Hon Samuel A Thumma - Author; Hon Jennifer B Campbell - Concur; Hon Michael J Brown - Concur
38. 29-Feb-2024 FILED: Decision Distribution Notification
39. 1-Apr-2024 FILED: Email Notice from ASC re: Petition for Review filed 3/29/24; request for partial record
40. 1-Apr-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
41. 2-Aug-2024 FILED: Letter from ASC, 8/2/24, re: Petition for Review DENIED on 8/2/24
42. 26-Aug-2024 FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.