

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0213

POTTER v. ARIZONA HOUSE, et al.

Appellate Case Information

Case Filed: 19-Apr-2023

Case Closed:

Dept/Composition

Department C

Hon. Paul J McMurdie
Hon. Maria Elena Cruz
Hon. Cynthia J Bailey

Side 1. PHILLIP POTTER, Plaintiff/Appellant

(Litigant Group) PHILLIP POTTER

- Phillip Terry Potter PRO SE

Side 2. ARIZONA HOUSE OF REPRESENTATIVES, et al., Defendant/Appellee

(Litigant Group) ARIZONA HOUSE OF REPRESENTATIVES

- Arizona House of Representatives Attorneys for: Defendant/Appellee AZ House
Kevin E O'Malley, Esq. (AZ Bar No. 6420)
Hannah H Porter, Esq. (AZ Bar No. 29842)

(Litigant Group) ROBERT MEZA

- Robert Meza Attorneys for: Defendant/Appellee Meza
Timothy A Nelson, Esq. (AZ Bar No. 16274)

(Litigant Group) KARRIN TAYLOR ROBSON

- Karrin Taylor Robson Attorneys for: Defendant/Appellee Robson
Brett William Johnson, Esq. (AZ Bar No. 21527)
Derek Flint, Esq. (AZ Bar No. 34392)

CASE STATUS

Jun 25, 2024....Pending Closure

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2022-008626, Special Action, John L Blanchard, Authoring Judge of Order

Table with 2 columns: DESCENDENT CASE(S), Cause/Charge/Class. Row 1: ASC, CV-24-0045-PR

OPEN DUE DATE

Stay Request (re: Writ of Certiorari) due Due By: Tuesday, October 15, 2024
Re: FILED: Letter from ASC, 6/25/24, re: Petition for Review DENIED on 6/25/24. [1 extension]

CASE DECISION

01-Feb-2024 MEMORANDUM DECISION

Paul McMurdie.....Author
Maria Cruz.....Concur
Cynthia Bailey.....Concur

Filed: 01-Feb-2024 Mandate:
Decision Disposition
Affirmed

73 PROCEEDING ENTRIES

- 1. 19-Apr-2023 FILED: Index of Record, Amended Notice of Appeal from Maricopa County Superior Court filed 03/17/23
2. 19-Apr-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: transmitted under 1CA-CV23-0106
3. 19-Apr-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 3-May-2023 FILED: Case Management Statement (Appellant Pro Per)
5. 9-May-2023 RECEIPT No.: 2023-00424 ; \$280.00, Authorization: 29007778553, Applied to: PHILLIP POTTER - Class A Filing Fee (\$280.00) Paid for: PHILLIP POTTER - By nCourt LLC

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6. 12-May-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
7. 18-May-2023 ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 06/15/2023. Signed order re: minute entry of 02/24/2023 filed 02/27/2023 due within 10 days after its entry. If appeal reinstated by filing of signed order, opening brief due 07/17/2023. Melina Brill ProTem Judge - Author
8. 24-May-2023 RECEIPT No.: 2023-00467 ; \$140.00, Check Number: #969017, Applied to: KARRIN TAYLOR ROBSON - Class B Filing Fee (\$140.00) Paid for: - By Snell & Wilmer LLP
9. 6-Jun-2023 FILED: Notice of Rule 54(c) Judgment and Request to Lift Stay; Certificate of Service (Appellant Pro Per)
10. 8-Jun-2023 ORDERED: Notice of Rule 54(c) Judgment and Request to Lift Stay (Appellant Pro Per) = DENIED. FURTHER ORDERED: Continuing the stay of this appeal until 06/29/2023, for the purposes set forth in this court's 05/18/2023 stay order to allow appellant to obtain a signed order. FURTHER ORDERED: Directing the clerk of the superior court to transmit a certified copy of the ruling within 10 days after its entry, marked for filing in this appeal. The stay will be lifted automatically when this court receives the signed order. FURTHER ORDERED: The stay will be lifted automatically on 06/29/2023, unless before that date appellant files a motion to continue the stay. If appellant does not file a motion to continue the stay and the superior court has not entered a signed order, this court will dismiss this appeal. FURTHER ORDERED: If this court has received a signed order before 06/29/2023, the opening brief is due on 07/31/2023. Melina Brill ProTem Judge - Author
11. 8-Jun-2023 FILED: Motion to Reconsider Order Continuing Stay; this Court has Jurisdiction Pursuant to § A.R.S. 12-2101(A)(5)(b); Certificate of Service (Appellant Pro Per)
12. 14-Jun-2023 ORDERED: Motion to Reconsider Order Continuing Stay; this Court has Jurisdiction Pursuant to § A.R.S. 12-2101(A)(5)(b) (Appellant Pro Per) = DENIED. Hon Kent E Cattani - Author
13. 14-Jun-2023 FILED: Notice of Rule 54(c) Judgment with Signature; Certificate of Service (Appellant Pro Per)
14. 14-Jun-2023 ORDERED: Notice of Rule 54(c) Judgment with Signature (Appellant Pro Per) = Lifting the stay of this appeal. FURTHER ORDERED: The opening brief is due on 07/31/2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
15. 21-Jun-2023 FILED: Record on Appeal: Exhibits #1-9 in a manila envelope
16. 21-Jun-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
17. 27-Jun-2023 FILED: Motion to Suspend Trial Court Order; Certificate of Service (Appellant Pro Per)
18. 27-Jun-2023 FILED: Appendix of Record Volume 1 of 2 (Appellant Pro Per)
19. 27-Jun-2023 FILED: Appendix of Record Volume 2 of 2 (Appellant Pro Per)
20. 28-Jun-2023 ORDERED: Motion to Suspend Trial Court Order (Appellant Pro Per) = DENIED without prejudice to consideration of a new motion to stay if the superior court denies, or has denied, a stay request. Barbara Vidal Vaught ProTem Judge - Author
21. 29-Jun-2023 FILED: Motion Clarifying and Reaffirming Request for Relief from Trial Court Order; Certificate of Service (Appellant Pro Per)
22. 5-Jul-2023 FILED: Motion to Suspend Appeal; Certificate of Service; Exhibit 1; Exhibit 2 (Appellee AZ House)
23. 5-Jul-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
24. 19-Jul-2023 FILED: Response to Motion to Suspend Appeal; Certificate of Service (Appellant Pro Per)
25. 23-Jul-2023 FILED: Unopposed Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant Pro Per)
26. 24-Jul-2023 ORDERED: Unopposed Motion for Extension of Time to File Opening Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Monday, 07-31-2023 to Wednesday, 08-30-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
27. 25-Jul-2023 FILED: Reply in Support of Motion to Suspend Appeal; Certificate of Service; Exhibit 3; Exhibit 4 (Appellee AZ House)
28. 1-Aug-2023 ORDERED: Motion to Suspend Appeal (Appellee AZ House) = DENIED. To the extent a party wishes to challenge any other order or judgment, including the final judgment issued on 07/11/2023, a timely notice of appeal must be filed. FURTHER ORDERED: Motion Clarifying and Reaffirming Request for Relief from Trial Court Order (Appellant Pro Per) = DENIED without prejudice to consideration of a new motion for a stay if the superior court denies a stay request. Hon Randall M Howe - Author
29. 18-Aug-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
30. 30-Aug-2023 FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Pro Per)
31. 12-Sep-2023 FILED: Motion to Suspend ("Stay") Injunction (Oral Argument Requested); Certificate of Service (Appellant Pro Per)

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32. 13-Sep-2023 ORDERED: Appellees shall file responses to the motion (Motion to Suspend ("Stay") Injunction) by 09/22/2023. FURTHER ORDERED: Appellant shall file a reply by 09/28/2023. The court will rule on the motion following expiration of the time for response and reply. Melina Brill ProTem Judge - Author
33. 22-Sep-2023 FILED: Appellees' Joint Opposition to Appellant's Motion to Suspend Injunction; Certificate of Service (Appellee)
34. 26-Sep-2023 FILED: Reply to Motion to Suspend ("Stay") Injunction; Certificate of Service (Appellant Pro Per)
35. 2-Oct-2023 ORDERED: Motion to Suspend ("Stay") Injunction (Oral Argument Requested) (Appellant Pro Per) = GRANTED in part and staying enforcement of the vexatious litigant orders filed 02/27/2023, and 06/12/2023, only to the extent such orders preclude appellant from filing, without prior leave, new pleadings, motions, or other documents in pending civil actions other than case CV2022-008626. FURTHER ORDERED: Denying the motion as it applies to case CV2022-008626. FURTHER ORDERED: Denying the request to convert this appeal of the vexatious litigant orders to a special action. Hon James B Morse Jr. - Author
36. 10-Oct-2023 FILED: Appellees' Joint Answering Brief; Certificate of Compliance; Certificate of Service (Appellees Meza, Robson, and AZ House)
37. 11-Oct-2023 FILED: Appellees' Joint Motion to Include Transcript of February 23,2023 Hearing in Record on Appeal; Certificate of Service; Exhibit 1 (To Appellees' Joint Motion to Include Transcript of February 23,2023 Hearing in Record on Appeal); Exhibit 2 (To Appellees' Joint Motion to Include Transcript of February 23,2023 Hearing in Record on Appeal (Appellee)
38. 16-Oct-2023 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
39. 20-Oct-2023 FILED: Request for Oral Argument; Certificate of Service (Appellant Pro Per)
40. 24-Oct-2023 FILED: Motion to Strike (Answering Brief); Certificate of Service (Appellant Pro Per)
41. 26-Oct-2023 ORDERED: Appellees' Joint Motion to Include Transcript of February 23, 2023 Hearing in Record on Appeal (Appellee) = GRANTED and supplementing the record on appeal with the transcript of the 02/23/2023 proceeding. Melina Brill ProTem Judge - Author
42. 30-Oct-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
43. 30-Oct-2023 FILED: Appellees' Joint Response to Appellant's Motion to Strike; Certificate of Service (Appellee AZ House of Representatives, Meza, and Robson)
44. 6-Nov-2023 FILED: Reply to Motion to Strike; Certificate of Service (Appellant Pro Per)
45. 9-Nov-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
46. 15-Nov-2023 ORDERED: Request for Oral Argument (Appellant Pro Per) = DENIED. Hon David B Gass - Author
47. 15-Nov-2023 ORDERED: Motion to Strike (Answering Brief) (Appellant Pro Per) = DENIED. FURTHER ORDERED: Denying appellees' request (request that the court allow them to not respond to additional motions appellant files unless directed by the court). Hon David B Gass - Author
48. 24-Nov-2023 CLNDR: CONFERENCE, Department C, 1-24-24, CONFERENCE ROOM.
49. 28-Dec-2023 FILED: Notice of Entry Into the Appellate Court Record of November 16, 2022 Oral Argument Certified Transcript; Certificate of Service; Reporter's Transcript - 11/16/2022 - Oral Argument - Debra Price (Appellant Pro Per)
50. 1-Feb-2024 MEMORANDUM DECISION (Affirmed) Hon Paul J McMurdie - Author; Hon Maria Elena Cruz - Concur; Hon Cynthia J Bailey - Concur
51. 1-Feb-2024 FILED: Decision Distribution Notification
52. 12-Feb-2024 FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant Pro Per)
53. 15-Feb-2024 FILED: Appellee Arizona House of Representatives' Statement of Attorneys' Fees and Costs; Certificate of Service; Exhibit 1-A (Appellee House)
54. 16-Feb-2024 FILED: Appellee Robert Meza's Statement of Attorneys' Fees and Costs; Certificate of Service (Appellee Meza)
55. 19-Feb-2024 FILED: Combined Objection to Requests for Attorney Fees and Costs; Certificate of Service (Appellant Pro Per)
56. 21-Feb-2024 ORDERED: Motion for Reconsideration (Appellant Pro Per) = DENIED. Hon Paul J McMurdie - Author
57. 22-Feb-2024 FILED: Reply in Support of Appellee Arizona House of Representatives' Statement of Attorneys' Fees and Costs; Certificate of Service (Appellee AZ House)
58. 22-Feb-2024 FILED: Reply in Support of Appellee Robert Meza's Statement of Attorneys' Fees and Costs; Certificate of Service (Appellee Meza)

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59. 29-Feb-2024 ORDERED: Appellee Arizona House of Representatives' Statement of Attorneys' Fees and Costs (Appellee House) = GRANTED and awarding attorney's fees in the amount of \$19,082.50 and costs in the amount of \$381.77 to Arizona House of Representatives and against Appellant Phillip Potter. Hon Paul J McMurdie - Author
60. 29-Feb-2024 ORDERED: Appellee Robert Meza's Statement of Attorneys' Fees and Costs (Appellee Meza) = DENIED. Hon Paul J McMurdie - Author
61. 1-Mar-2024 FILED: Appellee Robert Meza's Motion For Partial Reconsideration Of Order Regarding Attorneys' Fees; Certificate of Service (Appellee Meza)
62. 3-Mar-2024 FILED: Motion for Sanctions and Second Bar Referral; Certificate of Service (Appellant Pro Per)  
[stricken per order filed 03/05/2024]
63. 3-Mar-2024 FILED: Response to Appellee Robert Meza's Motion for Partial Reconsideration of Order Regarding Attorney Fees; Certificate of Service; Motion for Sanctions and Second Bar Referral (Duplicate) (Appellant Pro Per)
64. 5-Mar-2024 ORDERED: Appellee Robert Meza's Motion For Partial Reconsideration Of Order Regarding Attorneys' Fees (Appellee Meza) = GRANTED by modifying the order issued on 02/29/2024, denying Appellee Robert Meza's attorney's fees and costs. FURTHER ORDERED: Amending the order by deleting paragraph two's first and last sentences and rescinding this court's referral to the State Bar of Arizona. Hon Paul J McMurdie - Author
65. 5-Mar-2024 ORDERED: Accepting Appellant's response to the motion for reconsideration. This court will not accept a reply. ORDERED [sic]: Striking the motion (Motion for Sanctions and Second Bar Referral) as unauthorized. Hon Paul J McMurdie - Author
66. 10-Apr-2024 FILED: Email Notice from ASC re: Petition for Review filed 2/28/24; request for partial record
67. 10-Apr-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
68. 9-May-2024 FILED: Motion to Recall and Review the Memorandum Decision Pursuant to New Arizona Supreme Court Precedent in Arizona Republican Party v Richer et al; Certificate of Service (Appellant Pro Per)
69. 9-May-2024 ORDERED: Motion to Recall and Review the Memorandum Decision Pursuant to New Arizona Supreme Court Precedent in Arizona Republican Party v Richer et al; (Appellant Pro Per) = DENIED. Hon Paul J McMurdie - Author
70. 25-Jun-2024 FILED: Letter from ASC, 6/25/24, re: Petition for Review DENIED on 6/25/24.
71. 10-Jul-2024 FILED: Motion to Stay Issuance of Mandate; Certificate of Service (Appellant Pro Per)
72. 15-Jul-2024 ORDERED: Motion to Stay Issuance of Mandate (Appellant Pro Per) = GRANTED. Hon Paul J McMurdie - Author
73. 16-Jul-2024 ORDERED: Motion to Stay Issuance of Mandate (Appellant Pro Per) = GRANTED and staying issuance of mandate for 90 days. Hon Paul J McMurdie - Author