

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 23-0350**

**WHITMER v. HILTON CASITAS**

**Appellate Case Information**

Case Filed: 16-Jun-2023

Case Closed: 10-Jul-2023

Reinstated x 1: 2-Aug-2023 **Abandoned**

Re-Closed: 5-Sep-2024

**Dept/Composition**

**Department F**

Hon. Daniel J Kiley  
Hon. Kent E Cattani  
Hon. D Steven Williams

**Side 1. R. L. WHITMER, Plaintiff/Appellant**

(Litigant Group) R L WHITMER

- R L Whitmer

**Attorneys for: Plaintiff/Appellant**

Ross P Meyer, Esq. (AZ Bar No. 28473)

**Side 2. HILTON CASITAS HOMEOWNERS ASSOCIATION, Defendant/Appellee**

(Litigant Group) HILTON CASITAS HOMEOWNERS ASSOCIATION

- Hilton Casitas Homeowners Association

**Attorneys for: Defendant/Appellee**

Edith I Rudder, Esq. (AZ Bar No. 20650)

Jennifer Putnam Ooms, Esq. (AZ Bar No. 36958)

**CASE STATUS**

Sep 5, 2024.....Case Closed

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2022-014709	Breach of Contract		John Christian Rea, Authoring Judge of Order		

**DESCENDENT CASE (S)**

ASC CV-24-0047-PR

**CASE DECISION**

**30-Jan-2024 MEMORANDUM DECISION**

Daniel Kiley.....Author

Kent Cattani.....Concur

D Williams.....Concur

Filed: 30-Jan-2024

Mandate: 05-Sep-2024

Decision Disposition

**Affirmed**

**35 PROCEEDING ENTRIES**

- 16-Jun-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/19/23
- 16-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
- 16-Jun-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 10-Jul-2023 FILED: Letter, 07/10/2023, to Clerk, Maricopa County Superior Court, Re: Pursuant to A.R.S. 12-322A appeal shall be deemed abandoned. No record to be returned.
- 10-Jul-2023 FILED: Motion for Procedural Order to Reinstate Case; Certificate of Service (Appellant)
- 13-Jul-2023 RECEIPT No.: 2023-00630 ; \$280.00, Authorization: 94011477506, Applied to: R L WHITMER - Class A Filing Fee (\$280.00) Paid for: Meyer & Partners, PLLC - By nCourt LLC
- 24-Jul-2023 FILED: Appellee's Response to Appellant's Motion for Procedural Order to Reinstate Case; Certificate of Service (Appellee)
- 31-Jul-2023 FILED: Reply in Support of Appellant's Motion for Procedural Order to Reinstate Case; Certificate of Service; Certificate of Service (Appellant)
- 31-Jul-2023 FILED: Certificate of Service (Appellant)
- 1-Aug-2023 FILED: Appellee Hilton Casitas Homeowners Association's Notice of Payment of Appellee's Filing Fee; Certificate of Service (Appellee)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0350****WHITMER v. HILTON CASITAS****35 PROCEEDING ENTRIES**

11.	1-Aug-2023	FILED: Notice of Errata (Case Management Statement); Certificate of Service (Appellant)
12.	2-Aug-2023	ORDERED: Motion for Procedural Order to Reinstate Case (Appellant) = GRANTED and reinstating this appeal. FURTHER ORDERED: The opening brief is due on 08/15/2023. Melina Brill ProTem Judge - Author
13.	9-Aug-2023	RECEIPT No.: 2023-00729 ; \$140.00, Authorization: #21007771252. Applied to: HILTON CASITAS HOMEOWNERS ASSOCIATION - Class B Filing Fee (\$140.00) Paid for: Carpenter Hazlewood Delgado & Bolen LLP - By nCourt LLC
14.	15-Aug-2023	FILED: Opening Brief; Certificate of Compliance - Opening Brief; Certificate of Service - Opening Brief; Appendix (Appellant)
15.	2-Oct-2023	FILED: Appellee's Answering Brief; Certificate of Compliance Re: Appellee's Answering Brief; Certificate of Service Re: Appellee's Answering Brief (Appellee)
16.	23-Oct-2023	FILED: Appellant's Motion for Procedural Order to Deem the Appeal Submitted for Decision Based on the Opening Brief and the Record; Certificate of Service – Motion for Procedural Order (Appellant)
17.	23-Oct-2023	FILED: Reply Brief; Certificate of Compliance – Reply Brief; Certificate of Service - Reply Brief (Appellant)
18.	25-Oct-2023	FILED: Appellee's Opposition to Appellant's Motion for Procedural Order to Deem the Appeal Submitted for Decision Based on the Opening Brief and the Record and Request for Extension; Certificate of Service (Appellee)
19.	25-Oct-2023	FILED: Appellee's Notice of Withdrawal of Attorney; Certificate of Service (Appellee)
20.	30-Oct-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21.	2-Nov-2023	ORDERED: Appellant's Motion for Procedural Order to Deem the Appeal Submitted for Decision Based on the Opening Brief and the Record (Appellant) = DENIED. FURTHER ORDERED: Accepting the answering brief filed on 10/02/2023. Melina Brill ProTem Judge - Author
22.	9-Nov-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
23.	24-Nov-2023	CLNDR: CONFERENCE, Department F, 1-11-24, CONFERENCE ROOM.
24.	30-Jan-2024	MEMORANDUM DECISION (Affirmed) Hon Daniel J Kiley - Author; Hon Kent E Cattani - Concur; Hon D Steven Williams - Concu
25.	30-Jan-2024	FILED: Decision Distribution Notification
26.	13-Feb-2024	FILED: Appellee's Verified Application for Attorneys' Fees and Taxable Costs on Appeal; Certificate of Service; Declaration of Edith I Rudder in Support of Verified Application of Attorneys' Fees & Taxable Costs on Appeal; Judgment (Proposed Order to Appellee's Verified Application for Attorneys' Fees and Taxable Costs on Appeal) (Appellee)
27.	14-Feb-2024	FILED: Appellant's Motion for Reconsideration; Certificate of Compliance-Motion for Reconsideration; Certificate of Service-Motion for Reconsideration (Appellant)
28.	16-Feb-2024	ORDERED: Appellant's Motion for Reconsideration (Appellant) = DENIED. Hon Daniel J Kiley - Author
29.	28-Feb-2024	FILED: Appellant's Objection to Appellee's Application for Attorneys' Fees and Costs on Appeal; Certificate of Service – Opposition to Attorneys' Fees Application (Appellant)
30.	4-Mar-2024	FILED: Email Notice from ASC re: Petition for Review filed 03/04/2024; request for partial record
31.	6-Mar-2024	FILED: Letter forwarding partial record to Arizona Supreme Court
32.	6-Mar-2024	FILED: Notice of Association of Counsel within Firm; Certificate of Service of Notice of Association of Counsel within Firm (Appellee)
33.	11-Mar-2024	(ORDERED:) Appellee's Verified Application for Attorneys' Fees (Appellee) = DENIED. ORDERED: Appellee's Verified Application for Taxable Costs on Appeal = GRANTED and awarding costs of \$189.43 to Appellee Hilton Casitas. Hon Daniel J Kiley - Author
34.	2-Aug-2024	FILED: Letter from ASC, 8/2/24, re: Petition for Review DENIED on 8/2/24; Request for Attorneys Fees GRANTED
35.	5-Sep-2024	FILED: Mandate, Physical record to clerk, - or - No physical record to be returned to clerk, * County Superior Court.