

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0454

PLEA, et al. v. PHOENIX

Appellate Case Information

Case Filed: 26-Jul-2023

Case Closed:

Dept/Composition

Department E

Hon. Anni Hill Foster
Hon. Brian Y Furuya
Hon. Randall M Howe

Side 1. PHOENIX LAW ENFORCEMENT ASSOCIATION, et al., Plaintiff/Appellant

(Litigant Group) PHOENIX LAW ENFORCEMENT ASSOCIATION, et al.

- Phoenix Law Enforcement Association
Barry Jacobs
Earle Akre
Robert Ramsey
Rick Flum

Attorneys for: Plaintiffs/Appellants PLEA

Michael Napier, Esq. (AZ Bar No. 2603)
Eric R Wilson, Esq. (AZ Bar No. 30053)
Cassidy L Bacon, Esq. (AZ Bar No. 31361)
Juliana Betina Tallone, Esq. (AZ Bar No. 35633)

(Litigant Group) THERESA CLARK, et al.

- Theresa Clark
Nicholas Rosander
Charles Consolian
Randolph Palmer
Scott McCauley
Rodrigo Hernandez
Natalie Simonick
Janina Austin

Attorneys for: Plaintiffs/Appellants Clark et al.

Caroline A Pilch, Esq. (AZ Bar No. 11041)
Robert E Yen, Esq. (AZ Bar No. 7236)

Side 2. CITY OF PHOENIX, Defendant/Appellee

(Litigant Group) CITY OF PHOENIX

- City of Phoenix
Jeffrey Barton

Attorneys for: Defendants/Appellees

John Alan Doran, Esq. (AZ Bar No. 12112)
Matthew A Hesketh, Esq. (AZ Bar No. 29319)
Carli J Simkin, Esq. (AZ Bar No. 38154)

CASE STATUS

Aug 27, 2024...Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Rows include case numbers like CV2014-008711 and CV2015-007714.

2 OPEN DUE DATES

Motion for Reconsideration due

Due By: Wednesday, September 11, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Brian Y Furuya - Author; Hon Anni Hill Foster - Concur; Hon Randall M Howe - Concur

Petition for Review to ASC due

Due By: Thursday, September 26, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Brian Y Furuya - Author; Hon Anni Hill Foster - Concur; Hon Randall M Howe - Concur

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CASE DECISION

27-Aug-2024 MEMORANDUM DECISION

Brian Furuya.....Author
Anni Foster.....Concur
Randall Howe.....Concur

Table with columns: Filed: 27-Aug-2024, Mandate: Decision Disposition Affirmed

61 PROCEEDING ENTRIES

- 1. 26-Jul-2023 FILED: Index of Record, Notice of Appeal (PLEA) from Maricopa County Superior Court filed 06/27/23; Notice of Appeal (Clark, et al.) from Maricopa County Superior Court filed 06/27/23
2. 26-Jul-2023 FILED: e-Record on Appeal: (CV2014-009114) Instruments/Minute Entries Exhibits: None sent with e-Record
3. 26-Jul-2023 FILED: e-Record on Appeal: (CV2014-008711) Instruments/Minute Entries Exhibits: None sent with e-Record
4. 26-Jul-2023 FILED: Record on Appeal: (CV2015-007714) Instruments/Minute Entries Exhibits: None sent with e-Record
5. 26-Jul-2023 FILED: Additional Record on Appeal: Physical Exhibits: Hearing Date 07/16/2014 - List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 in a box
6. 27-Jul-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
7. 27-Jul-2023 FILED: Notice of Filing Transcripts; Certificate of Service Regarding Notice of Filing Transcripts (Appellee)
8. 27-Jul-2023 FILED: Reporter's Transcript - 03/02/2015 - Motion for Summary Judgment and Cross-Motion for Summary Judgment (Javacia Huff) (Appellee)
9. 27-Jul-2023 FILED: Reporter's Transcript - 02/06/2018 - Oral Argument (Lisa Freeman) (Appellee)
10. 27-Jul-2023 FILED: Reporter's Transcript - 11/27/2018 - Oral Argument (Molly Bugher) (Appellee)
11. 27-Jul-2023 FILED: Reporter's Transcript - 04/10/2019 - Telephonic Status Conference (Javacia Huff) (Appellee)
12. 27-Jul-2023 FILED: Reporter's Transcript - 05/16/2019 - Telephonic Rule 16 Conference (Javacia Huff) (Appellee)
13. 27-Jul-2023 FILED: Reporter's Transcript - 06/17/2019 - Oral Argument (Tina Ewbank) (Appellee)
14. 27-Jul-2023 FILED: Reporter's Transcript - 06/26/2019 - Motion for Class Certification (Frances Sanchez) (Appellee)
15. 27-Jul-2023 FILED: Reporter's Transcript - 07/18/2019 - Telephonic Trial Setting Conference (Javacia Huff) (Appellee)
16. 27-Jul-2023 FILED: Reporter's Transcript - 07/03/2014 - Return Hearing on Plaintiff's Order to Show Cause (Dianna Aldom) (Appellee)
17. 27-Jul-2023 FILED: Reporter's Transcript - 07/16/2014 - Temporary Restraining Order (Michele Kaley) (Appellee)
18. 27-Jul-2023 FILED: Reporter's Transcript - 09/29/2014 - Motion to Intervene (Javacia Huff) (Appellee)
19. 27-Jul-2023 FILED: Reporter's Transcript - 10/21/2014 - Status Conference (Antoinette Franks) (Appellee)
20. 27-Jul-2023 FILED: Reporter's Transcript - 10/18/2019 - Telephonic Status Conference (Javacia Huff) (Appellee)
21. 27-Jul-2023 FILED: Reporter's Transcript - 11/04/2019 - Trial Setting Conference (Joyce Scarborough) (Appellee)
22. 3-Aug-2023 RECEIPT No.: 2023-00713 ; \$280.00, Check Number: # 31772, Applied to: PHOENIX LAW ENFORCEMENT ASSOCIATION, et al. - Class A Filing Fee (\$280.00) Paid for: - By Napier Baillie Wilson Bacon & Tallone PC
23. 4-Aug-2023 FILED: Appellate Clerk Notice re: No Appellee's Fee due; Appellant's Briefs/Case Management Statements Due
24. 7-Aug-2023 FILED: Notice of Payment of Appellants' Filing Fee; Certificate of Service Re Notice of Payment of Appellants' Filing Fee (Appellant Clark, et al.)
25. 9-Aug-2023 FILED: Case Management Statement (Appellant Clark, et al.)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0454****PLEA, et al. v. PHOENIX****61 PROCEEDING ENTRIES**

26. 10-Aug-2023 RECEIPT No.: 2023-00744 ; \$280.00, Authorization: # 22009013503, Applied to: THERESA CLARK, et al. - Class A Filing Fee (\$280.00) Paid for: Yen Pilch Robaina & Kresin PLC - By nCourt LLC
27. 16-Aug-2023 FILED: Reporter's Transcript - 07/28/2022 - Oral Argument (Meagan Murphy) (Appellant PLEA)
28. 16-Aug-2023 FILED: Reporter's Transcript - 12/14/2022 - Oral Argument (Meagan Murphy); Certificate of Service (Appellant PLEA)
29. 16-Aug-2023 FILED: Case Management Statement (Appellant PLEA)
30. 19-Sep-2023 FILED: PLEA Plaintiffs/Appellants' First Motion to Extend Time for Opening Brief; Certificate of Service (Appellants PLEA)
31. 19-Sep-2023 FILED: Plaintiffs/Appellants Theresa Clark, et al. First Motion for Procedural Order to Extend Deadline for Filing Opening Brief; Certificate of Service Re First Motion for Procedural Order to Extend Deadline for Filing Opening Brief (Appellants Clark et al.)
32. 20-Sep-2023 FILED: PLEA Plaintiffs/Appellants' Amended First Motion to Extend Time for Opening Brief; Certificate of Service (Appellants PLEA)
33. 20-Sep-2023 ORDERED: PLEA Plaintiffs/Appellants' First Motion to Extend Time for Opening Brief (Appellants PLEA) = DENIED. Melina Brill ProTem Judge - Author
34. 20-Sep-2023 ORDERED: Plaintiffs/Appellants Theresa Clark, et al. First Motion for Procedural Order to Extend Deadline for Filing Opening Brief (Appellants Clark et al.) = GRANTED. All opening briefs due dates EXTENDED from Monday, 09-25-2023 to Wednesday, 10-25-2023. FURTHER ORDERED: PLEA Plaintiffs/Appellants' Amended First Motion to Extend Time for Opening Brief (Appellants PLEA) = GRANTED. All opening briefs due dates EXTENDED from Monday, 09-25-2023 to Wednesday, 10-25-2023. Melina Brill ProTem Judge - Author
35. 20-Oct-2023 FILED: Plea Plaintiffs'/Appellants' Second Motion to Extend Time for Opening Brief; Certificate of Service (Appellant PLEA)
36. 23-Oct-2023 FILED: Plaintiffs/Appellants[sic] Theresa Clark, Et Al. Second Motion for Procedural Order to Extend Deadline for Filing Opening Brief; Certificate of Service Re Second Motion for Procedural Order to Extend Deadline for Filing Opening Brief (Appellant Clark Et Al.)
37. 23-Oct-2023 ORDERED: Plaintiffs/Appellants[sic] Theresa Clark, Et Al. Second Motion for Procedural Order to Extend Deadline for Filing Opening Brief (Appellant Clark Et Al.) / Plea Plaintiffs'/Appellants' Second Motion to Extend Time for Opening Brief (Appellant PLEA) = Granting both motions and extending the time to file all opening briefs from 10/25/2023 to 11/28/2023. If the briefs are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
38. 28-Nov-2023 FILED: Opening Brief of Plaintiffs/Appellants Theresa Clark, et al.; Certificate of Compliance for Opening Brief of Plaintiffs/Appellants Theresa Clark, et al.; Certificate of Service (Appellant Clark, et al.)
39. 28-Nov-2023 FILED: PLEA Plaintiffs/Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant PLEA)
40. 13-Dec-2023 FILED: Unopposed Motion for Procedural Order to Extend Deadline for Defendants/Appellees' Answering Briefs; Certificate of Service Regarding Unopposed Motion for Procedural Order to Extend Deadline for Defendants/Appellees' Answering Briefs (Appellee)
41. 13-Dec-2023 ORDERED: Unopposed Motion for Procedural Order to Extend Deadline for Defendants/Appellees' Answering Briefs (Appellee) = GRANTED. Due dates EXTENDED from Monday, 01-08-2024 to Wednesday, 02-07-2024. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
42. 22-Jan-2024 FILED: Unopposed Motion for Procedural Order for Leave to Exceed Word Count Limitation for Defendants/Appellees' Consolidated Answering Brief; Certificate of Service Regarding Unopposed Motion for Procedural Order for Leave to Exceed Word Count Limitation for Defendants/Appellees' Consolidated Answering Brief (Appellee)
43. 23-Jan-2024 ORDERED: Unopposed Motion for Procedural Order for Leave to Exceed Word Count Limitation for Defendants/Appellees' Consolidated Answering Brief (Appellee) = GRANTED. Melina Brill ProTem Judge - Author
44. 7-Feb-2024 FILED: Defendants Appellees' Consolidated Answering Brief; Certificate of Compliance Regarding Defendants/Appellees' Consolidated Answering Brief; Certificate of Service Regarding Defendants/Appellees' Consolidated Answering Brief (Appellee)
45. 20-Feb-2024 FILED: Plaintiffs/Appellants' First Joint Motion for Procedural Order to Extend Deadline for Filing Reply Brief; Certificate of Service re Plaintiffs/Appellants' First Joint Motion for Procedural Order to Extend Deadline for Filing Reply Brief (Appellants Clark et al)
46. 20-Feb-2024 ORDERED: Plaintiffs/Appellants' First Joint Motion for Procedural Order to Extend Deadline for Filing Reply Brief (Appellants Clark et al) = GRANTED. Due dates EXTENDED from Tuesday, 02-27-2024 to Monday, 03-18-2024. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
47. 18-Mar-2024 FILED: Reply Brief of Plaintiffs/Appellants Theresa Clark, et al.; Certificate of Compliance for Reply Brief of Plaintiffs/Appellants Theresa Clark, et al.; Certificate of Service (Appellant Clark, et al.)
48. 18-Mar-2024 FILED: PLEA Plaintiffs/Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant PLEA)

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61 PROCEEDING ENTRIES

49.	27-Mar-2024	FILED: Defndants/Appellee's [sic] Request for Oral Argument; Certificate of Service Regarding Defendants/Appellees' Request for Oral Argument (Appellees)
50.	5-Apr-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
51.	10-Apr-2024	ORDERED: Defndants/Appellee's [sic] Request for Oral Argument = GRANTED. Hon David B Gass - Author
52.	15-Apr-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
53.	26-Apr-2024	CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 6-13-24, 10:15 am, COURTROOM 2.
54.	26-Apr-2024	FILED: Notice of Oral Argument
55.	1-May-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Caroline Pilch on 04/26/2024 (Appellant Clark, et al.)
56.	1-May-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Eric Wilson on 04/26/2024 (Appellant PLEA)
57.	7-May-2024	FILED: Return Receipt Re Oral Argument, signed by Matthew Hesketh, on 4/26/24 (Appellee)
58.	13-Jun-2024	FILED: Sign-in Sheet/Case is Under Advisement as of 6/13/24
59.	2-Aug-2024	FILED: Defendants/Appellees' Notice of Supplemental Authority; Certificate of Service Regarding Defendants/Appellees' Notice of Supplemental Authority; Exhibit 1 (Appellee)
60.	27-Aug-2024	MEMORANDUM DECISION (Affirmed) Hon Brian Y Furuya - Author; Hon Anni Hill Foster - Concur; Hon Randall M Howe - Concu
61.	27-Aug-2024	FILED: Decision Distribution Notification