

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0670

HILTON CASITAS v. WHITMER

Appellate Case Information

Case Filed: 25-Oct-2023

Case Closed:

Dept/Composition

Side 1. HILTON CASITAS HOMEOWNERS ASSOCIATION, Appellant

(Litigant Group) HILTON CASITAS HOMEOWNERS ASSOCIATION

- Hilton Casitas Homeowners Association

Attorneys for: Appellant

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

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

Side 2. R L WHITMER, Appellee

(Litigant Group) R L WHITMER

- R L Whitmer

Attorneys for: Appellee

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

CASE STATUS

Jun 7, 2024.....Stayed (until 9/26/24)

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, LC2022-000424-001, Decision of the Arizona Department of Real Estate, Joseph P Mikitish, Authoring Judge of Order.

2 OPEN DUE DATES

Court Ordered Document due

Due By: Thursday, September 26, 2024

Re: * ORDERED: Motion to Continue Stay (Appellant) = GRANTED in part and continuing the stay of this appeal until 09/26/2024. FURTHER ORDERED: Revesting jurisdiction in superior court and authorizing that court to consider a motion for a signed Rule 54(c) ord

Supplemental Opening Brief due

Due By: Monday, October 28, 2024

Re: * ORDERED: Joint Notice of Superior Court Ruling and STIPULATED MOTION FOR SUPPLEMENTAL BRIEFING (Appellant) = Continuing stay until 7/26/24. FURTHER ORDERED: revesting jurisdiction in the Superior Court to consider motion for signed order related to minu

30 PROCEEDING ENTRIES

- 1. 25-Oct-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 09/28/23 and Notice of Cross Appeal filed 10/18/23. Notice of Appeal filed 7/29/24 in Maricopa County Superior Court found in the supplemental record in this court on 8/27/24.
2. 25-Oct-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 26-Oct-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 8-Nov-2023 FILED: Appellant/Cross-Appellee's Notice of Appearance and Payment of Appellant's Filing Fee; Certificate of Service (Appellant/Cross-Appellee)
5. 14-Nov-2023 RECEIPT No.: 2023-01070 ; \$280.00, Authorization: # 18015279088, Applied to: HILTON CASITAS HOMEOWNERS ASSOCIATION - Class A Filing Fee (\$280.00) Paid for: Carpenter Hazlewood Delgado & Bolen LLP - By nCourt LLC
6. 15-Nov-2023 FILED: Case Management Statement (Appellant/Cross-Appellee)
7. 15-Nov-2023 FILED: Notice of No Transcript; Certificate of Service (Appellant/Cross-Appellee)
8. 20-Nov-2023 FILED: Appellate Clerk Notice Re: Appellee/Cross Appellant's Fee and Case Management Statement Due/Appellant's Brief Due
9. 4-Dec-2023 FILED: Unopposed Motion for Procedural Order to Extend Time for Appellant/Cross-Appellee Hilton Casitas Homeowners Association's Opening Brief; Certificate of Service of Unopposed Motion for Procedural Order to Extend Time for Appellant/Cross-Appellee Hilton Casitas Homeowners Association's Opening Brief (Appellant/Cross-Appellee)

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10. 4-Dec-2023 ORDERED: Unopposed Motion for Procedural Order to Extend Time for Appellant/Cross-Appellee Hilton Casitas Homeowners Association's Opening Brief (Appellant/Cross-Appellee) = GRANTED. Due date EXTENDED from Tuesday, 12-26-2023 to Thursday, 01-25-2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
11. 7-Dec-2023 RECEIPT No.: 2023-01149 ; \$280.00, Authorization: #41009543859, Applied to: R L WHITMER - Class A Filing Fee (\$280.00) Paid for: R L WHITMER - By nCourt LLC
12. 25-Jan-2024 FILED: Appellant/Cross-Appellee's Opening Brief; Certification of Word Count (Certificate of Compliance); Certificate of Service of Appellant/Cross-Appellee's Opening Brief (Appellant/Cross-Appellee)
13. 31-Jan-2024 ORDERED: The cross-appeal case management statement must be filed by 02/12/2024. Melina Brill ProTem Judge - Author
14. 12-Feb-2024 FILED: Cross Appellant's [sic] ARCAP 3(b) Motion to Revest Jurisdiction in the Superior Court to Rule on Cross-Appellant's Application for Attorneys' Fees and Costs as the Prevailing Party and Stay Proceedings; Certificate of Service - Cross Appellant's [sic] ARCAP 3(b) Motion to Revest Jurisdiction in the Superior Court to Rule on Cross-Appellant's Application for Attorneys' Fees and Costs as the Prevailing Party and Stay Proceedings (Appellee/Cross-Appellant)
15. 12-Feb-2024 FILED: Case Management Statement (Appellee/Cross-Appellant)
16. 13-Feb-2024 ORDERED: Vacating the 03/05/2024 due date for the answering brief/cross-appeal opening brief. The order ruling on the pending motion will set a due date to file the answering brief/cross-appeal opening brief. Melina Brill ProTem Judge - Author
17. 16-Feb-2024 FILED: Appellant/Cross-Appellee's Response to Appellee's ARCAP 3(B) Motion to Revest Jurisdiction in the Superior Court to Rule on Cross-Appellant's Application for Attorneys' Fees and Costs as the Prevailing Party and Stay Proceedings; Certificate of Service of Appellant/Cross-Appellee's Response to Appellee's ARCAP 3(B) Motion to Revest Jurisdiction in the Superior Court to Rule on Cross-Appellant's Application for Attorneys' Fees and Costs as the Prevailing Party and Stay Proceedings (Appellant/Cross-Appellee)
18. 1-Mar-2024 FILED: Notice of Association of Counsel within Firm; Certificate of Service (Appellant/Cross-Appellee)
19. 6-Mar-2024 ORDERED: Appellant's Application for Attorneys' Fees and Costs as the Prevailing Party and Stay Proceedings (Appellee/Cross-Appellant) = GRANTED in part and staying this appeal until 04/08/2024. FURTHER ORDERED: Requiring cross-appellant to file the answering brief/cross-appeal opening brief by 05/08/2024. If cross-appellant does not file a brief timely, this court will dismiss the cross-appeal and will submit the appeal for decision on the record and the filed briefs. Hon David B Gass - Author
20. 9-Apr-2024 FILED: Cross Appellant's ARCAP 3(B) Stipulate [sic] Motion to Continue Revesting of Jurisdiction in the Superior Court to Rule on Cross-Appellant's Motion for Leave to File Application for Attorneys' Fees and Costs as the Prevailing Party and Stay Proceedings; Certificate of Service (Appellee/Cross-Appellant)
21. 10-Apr-2024 ORDERED: Cross Appellant's ARCAP 3(B) Stipulate [sic] Motion to Continue Revesting of Jurisdiction in the Superior Court to Rule on Cross-Appellant's Motion for Leave to File Application for Attorneys' Fees and Costs as the Prevailing Party and Stay Proceedings (Appellee/Cross-Appellant) = GRANTED and continuing the stay of this appeal until 05/08/2024, for the purposes set forth in this court's 03/06/2024 stay order. FURTHER ORDER: Answering brief/cross-appeal opening brief is due on 06/10/2024. If brief not timely filed, this court will dismiss the cross-appeal and submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge- Author
22. 7-Jun-2024 FILED: Stipulated Motion for Procedural Order to Continue Stay; Certificate of Service (Appellee/Cross-Appellant)
23. 7-Jun-2024 ORDERED: Stipulated Motion for Procedural Order to Continue Stay (Appellee/Cross-Appellant) = GRANTED and staying this appeal until 07/01/2024, for the purposes set forth in this court's 03/06/2024 stay order. FURTHER ORDERED: The answering brief/cross-appeal opening brief is due by 08/01/2024. If the brief is not timely filed, this court will dismiss the cross-appeal and submit this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
24. 12-Jun-2024 FILED: Notice of Change of Firm Name; Certificate of Service (Appellant/Cross-Appellee)
25. 26-Jun-2024 FILED: Joint Notice of Superior Court Ruling and Stipulated Motion for Supplemental Briefing; Certificate of Service (Appellant)
26. 26-Jun-2024 ORDERED: Joint Notice of Superior Court Ruling and STIPULATED MOTION FOR SUPPLEMENTAL BRIEFING (Appellant) = Continuing stay until 7/26/24. FURTHER ORDERED: revesting jurisdiction in the Superior Court to consider motion for signed order related to minute entry of 07/05/24 filed 07/13/24. FURTHER ORDERED: Appellant must file motion asking superior court to enter signed Rule 54(c) order. FURTHER ORDERED: Appellant must file timely notice of appeal from Rule 54(c) order. FURTHER ORDERED: If superior court has not entered signed order by 07/26/24, appellant must file motion to continue stay. FURTHER ORDERED: Supplemental opening brief addressing only attorney fees is due by 08/26/24. FURTHER ORDERED: Dismissing cross-appeal and amending caption and docket to reflect dismissal of cross-appeal. Caption shown on this order must be used on all future documents filed in this appeal. Melina Brill ProTem Judge - Author
27. 28-Jun-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes signed rule 54(c) ruling)
28. 18-Jul-2024 FILED: Motion to Continue Stay; Certificate of Service (Appellant)

Court of Appeals, Division One

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30 PROCEEDING ENTRIES

29. 2-Aug-2024 ORDERED: Motion to Continue Stay (Appellant) = GRANTED in part and continuing the stay of this appeal until 09/26/2024. FURTHER ORDERED: Revesting jurisdiction in superior court and authorizing that court to consider a motion for a signed Rule 54(c) order corresponding to the minute entry dated 06/05/2024, filed 06/13/2024, and a motion for reconsideration. FURTHER ORDERED: If the superior court has not entered a signed Rule 54(c) by 09/26/2024, appellant must file motion to continue stay of appeal that describes status of matter. FURTHER ORDERED: If appellant timely files a notice of appeal from Rule 54(c) order, the supplemental opening brief addressing only attorney fees is due by 10/28/2024. Melina Brill ProTem Judge - Author
30. 27-Aug-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Appeal filed 7/29/2024)