

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0689

BROWN, et al. v. PHOENIX

Appellate Case Information

Case Filed: 2-Nov-2023

Case Closed:

Dept/Composition

Department D

Hon. Samuel A Thumma
Hon. Jennifer B Campbell
Hon. Michael J Brown

Consolidated with: 1 CA-CV 23-0273

Side 1. FREDDY BROWN, et al., Plaintiff/Appellee

(Litigant Group) FREDDY BROWN, et al.

- Freddy Brown
• Joel Coplin
• Jo Ann Coplin
• Joseph Faillace
• Deborah Faillace
• Karl Freund
• Gallery 119
• Michael Godbehere
• Jordan Evan Greenman
• Rozella Hector
• Daniel Langmade
• Dianne Langmade
• Ian Likwarz
• Matthew Lysiak
• Michael Lysiak
• Old Station Sub Shop
• PBF Manufacturing Co Inc
• Phoenix Kitchens SPE LLC
• Don Stockman

Attorneys for: Plaintiff/Appellee

Stephen W Tully, Esq. (AZ Bar No. 14076)
Michael G Bailey, Esq. (AZ Bar No. 13747)
Ilan Wurman, Esq. (AZ Bar No. 34974)

Side 2. CITY OF PHOENIX, Defendant/Appellant

(Litigant Group) CITY OF PHOENIX

- City of Phoenix

Attorneys for: Defendant/Appellant

Justin S Pierce, Esq. (AZ Bar No. 22646)
Aaron D Arnson, Esq. (AZ Bar No. 31322)
Trish Stuhan, Esq. (AZ Bar No. 27218)
Stephen B Coleman, Esq. (AZ Bar No. 21715)

CASE STATUS

Aug 27, 2024....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2022-010439, Declaratory Judgment, Scott A Blaney, Authoring Judge of Order.

3 OPEN DUE DATES

Motion for Reconsideration due

Due By: Wednesday, September 11, 2024

Re: OPINION (Affirmed as Clarified) Hon Samuel A Thumma - Author; Hon Jennifer B Campbell - Concur; Hon Michael J Brown - Concur

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0689

BROWN, et al. v. PHOENIX

3 OPEN DUE DATES

Response to Attorneys Fees due Due By: Monday, September 16, 2024

Re: FILED: Plaintiffs' Application for Reasonable Attorneys' Fees and Taxable Costs on Appeal; Certificate of Service; Declaration of Ilan Wurman in Support of Plaintiffs' Application for Attorneys' Fees and Costs on Appeal (Appellees)

Petition for Review to ASC due Due By: Thursday, September 26, 2024

Re: OPINION (Affirmed as Clarified) Hon Samuel A Thumma - Author; Hon Jennifer B Campbell - Concur; Hon Michael J Brown - Concur

2 PENDING MATTERS

General Motion Filed: 30-Aug-2024

Plaintiffs' Application for Reasonable ATTORNEYS' FEES and Taxable Costs on Appeal (Appellee)

General Motion Filed: 30-Aug-2024

Plaintiffs' Application for Reasonable Attorneys' Fees and TAXABLE COSTS on Appeal (Appellee)

CASE DECISION

27-Aug-2024 OPINION

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

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

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)
1 CA-CV 23-0273 BROWN, et al. v. PHOENIX

35 PROCEEDING ENTRIES

- 1. 2-Nov-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 10/04/23
2. 2-Nov-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 2-Nov-2023 FILED: Appellate Clerk Notice re: No Appellant's Fee Due/Appellee's Fee; Appellant's Brief/Case Management Statement Due
4. 2-Nov-2023 FILED: Additional Record on Appeal: Physical Exhibits: Hearing Date 10/27/2022- Transmitted Under 1 CA-CV 23-0273; Hearing Date 07/10/2023 - List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 - in a Box
5. 8-Nov-2023 FILED: Notice of Filing Transcripts; Certificate of Service; Reporter's Transcript - 07/10/2023 - Trial Day 1 - Bench Trial (Kristine Mayo); Reporter's Transcript - 07/11/2023 - Bench Trial (Michele Kaley) (Appellant)
6. 9-Nov-2023 ORDERED: Notice of New Case Number Pursuant to Court's Order Granting Case Consolidation (Appellant) = Lifting the stay of appeal 1 CA-CV 23-0273. FURTHER ORDERED: Consolidating cases 1 CA-CV 23-0273 and 1 CA-CV 23-0689. Case no. 1 CA-CV 23-0273 is designated the primary number, and the above caption must be used on all future documents filed in this appeal. FURTHER ORDERED: Appellees' filing fee of \$140.00 for appeal 1 CA-CV 23-0689, payable to the clerk of the court, is due on 11/17/2023. FURTHER ORDERED: The opening brief pertaining to appeal 1 CA-CV 23-0689 is due on 01/02/2024. Melina Brill ProTem Judge - Author
7. 15-Nov-2023 FILED: Notice of Paying Filing Fee (for CV 23-0689); Certificate of Service (Appellee)
8. 22-Nov-2023 RECEIPT No.: 2023-01093 ; \$140.00, Authorization: # 26007882160, Applied to: FREDDY BROWN, et al. - Class B Filing Fee (\$140.00) Paid for: Tully Bailey LLP - By nCourt LLC
9. 22-Nov-2023 FILED: Case Management Statement; Copy of Maricopa County Superior Court ME dated 10/03/2023 re: Under Advisement Ruling; Copy of Maricopa County Superior Court Order dated 11/19/2023 re: Judgment (Appellant)
10. 22-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
11. 2-Jan-2024 FILED: Opening Brief of Defendant/Appellant (for 1 CA-CV 23-0689); Certificate of Compliance; Certificate of Service (Appellant)
12. 2-Jan-2024 FILED: Appendix (to Opening Brief of Defendant/Appellant (for 1 CA-CV 23-0689)) (Appellant)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0689****BROWN, et al. v. PHOENIX****35 PROCEEDING ENTRIES**

13. 9-Feb-2024 FILED: Answering Brief of Plaintiffs-Appellees (for 1 CA-CV 23-0689); Certificate of Compliance; Certificate of Service (Appellee)
14. 27-Feb-2024 FILED: Appellant City of Phoenix's Unopposed Motion for Procedural Order to Extend Time to File Reply Brief (for 1 CA-CV 23-0689); Certificate of Service (Appellant)
15. 27-Feb-2024 ORDERED: Appellant City of Phoenix's Unopposed Motion for Procedural Order to Extend Time to File Reply Brief (for 1 CA-CV 23-0689) (Appellant) = GRANTED. Due date EXTENDED from Thursday, 02-29-2024 to Tuesday, 03-05-2024. Melina Brill ProTem Judge - Author
16. 5-Mar-2024 FILED: Reply Brief of Defendant/Appellant (for 1 CA-CV 23-0689); Certificate of Compliance; Certificate of Service (Appellant)
17. 15-Mar-2024 FILED: Request for Oral Argument; Certificate of Service (Appellee)
18. 27-Mar-2024 ORDERED: Request for Oral Argument (Appellee) = GRANTED. Hon David B Gass - Author
19. 4-Apr-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
20. 15-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
21. 26-Apr-2024 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 6-5-24, 10:15 am, COURTROOM 2.
22. 26-Apr-2024 FILED: Notice of Oral Argument
23. 8-May-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Ilan Wurman on 04/26/2024 (Appellee)
24. 24-May-2024 FILED: Appellees' Rule 17 Supplemental Citation to Legal Authority; Certificate of Service (Appellee)
25. 28-May-2024 FILED: Return Receipt Re Oral Argument, signed by Trish Stuhan, on 4/26/24; Certificate of Service (Appellant)
26. 29-May-2024 ORDERED: Directing the parties to raise any objection they may have to this Request (Request to Broadcast, Record, or Photograph) in writing provided to the court no later than 5:00 p.m. on 06/04/2024. If no objection is raised, the Request will be granted. Hon Samuel A Thumma - Author
27. 5-Jun-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 06/05/2024
28. 28-Jun-2024 FILED: Appellees' (Second) Rule 17 Supplemental Citation to Legal Authority; Certificate of Service (Appellee)
29. 2-Jul-2024 FILED: Appellant's Supplemental Citation Of Legal Authority; Certificate of Service; Exhibit 1 - Supreme Court Opinion (Appellant)
30. 25-Jul-2024 FILED: Appellees' Response to Appellant's Second Supplemental Rule 17 Letter; Certificate of Service (Appellees)
31. 27-Aug-2024 OPINION (Affirmed as Clarified) Hon Samuel A Thumma - Author; Hon Jennifer B Campbell - Concur; Hon Michael J Brown - Concur
32. 27-Aug-2024 FILED: Decision Distribution Notification
33. 30-Aug-2024 FILED: Plaintiffs' Application for Reasonable Attorneys' Fees and Taxable Costs on Appeal; Certificate of Service; Declaration of Ilan Wurman in Support of Plaintiffs' Application for Attorneys' Fees and Costs on Appeal (Appellees)
34. 5-Sep-2024 FILED: Appellant's Uncontested Motion to Extend Filing Deadline (Response to Attorneys' Fees and Costs); Certificate of Service; Order (Proposed) (Appellant)
35. 6-Sep-2024 ORDERED: Appellant's Uncontested Motion to Extend Filing Deadline (Response to Attorneys' Fees and Costs) (Appellant) = GRANTED such that Appellant shall have up to and including 09/16/2024 in which to file any such objection. Hon Samuel A Thumma - Author