

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0725

PATAGONIA v. ADEQ/SOUTH32

Appellate Case Information

Case Filed: 16-Nov-2023

Case Closed:

Dept/Composition

Department E

Hon. Brian Y Furuya
Hon. James B Morse
Hon. David D Weinzweig

Side 1. PATAGONIA AREA RESOURCE ALLIANCE, Appellant

(Litigant Group) PATAGONIA AREA RESOURCE ALLIANCE

- Patagonia Area Resource Alliance

Co-Counsel for: Appellant

Adriane Janet Hofmeyr, Esq. (AZ Bar No. 25100)
Chanele N Reyes, Esq. (AZ Bar No. 34898)
Nicholas Ansel, Esq. (AZ Bar No. 38448)

Side 2. ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY, Appellee

(Litigant Group) ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

- Arizona Department of Environmental Quality

Attorneys for: Appellee ADEQ

Paul Phelps, Esq. (AZ Bar No. 37355)

Side 3. SOUTH32 HERMOSA, INC., Intervenor/Appellee

(Litigant Group) SOUTH32 HERMOSA, INC.

- South32 Hermosa Inc

Co-Counsel for: Intervenor/Appellee

Christopher D Thomas, Esq. (AZ Bar No. 10482)
Todd Gwillim, Esq. (AZ Bar No. 36439)
Benjamin Longbottom, Esq. (AZ Bar No. 38602)
Diane M Johnsen, Esq. (AZ Bar No. 7634)

CASE STATUS

Aug 26, 2024...Assigned

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, LC2022-000259-001, Notice of Appeal of Administrative Decision, Joseph P Mikitish, Authoring Judge of Order.

CALENDAR

Thursday MONTHLY COURT CASE CALENDAR
24-Oct-2024 Department E; COURTROOM 2
10:15 AM

Mixed

PENDING MATTER

General Motion

Filed: 17-May-2024

\* Notice of Stipulation Pursuant to ARCAP 11(g)(1)(A) to Include Administrative Record Submitted by the Office of Administrative Hearings in the Record on Appeal (Appellee ADEQ)

33 PROCEEDING ENTRIES

- 1. 16-Nov-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 10/09/23
2. 16-Nov-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 16-Nov-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 30-Nov-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service of Appellant's Notice of Payment of Filing Fee (Appellant)
5. 30-Nov-2023 FILED: Notice of Association of Counsel; Certificate of Service of Appellant's Notice of Association of Counsel (Appellant)
6. 6-Dec-2023 RECEIPT No.: 2023-01144 ; \$280.00, Authorization: # 40006281347, Applied to: PATAGONIA AREA RESOURCE ALLIANCE - Class A Filing Fee (\$280.00) Paid for: Adriane Janet Hofmeyr - By nCourt LLC
7. 6-Dec-2023 FILED: Case Management Statement (Appellant)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0725****PATAGONIA v. ADEQ/SOUTH32****33 PROCEEDING ENTRIES**

8. 7-Dec-2023 FILED: Notice of Name Change; Certificate of Service (Appellee South32)
9. 7-Dec-2023 FILED: Certificate Of Service Of Appellant's Case Management Statement; Certificate Of Service Of Appellant's Case Management Statement (Appellant)
10. 11-Dec-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
11. 11-Dec-2023 FILED: Settlement Conference Program Notice
12. 13-Dec-2023 RECEIPT No.: 2023-01169 ; \$140.00, Authorization: # 47004324661, Applied to: SOUTH32 HERMOSA, INC. - Class B Filing Fee (\$140.00) Paid for: Perkins Coie LLP - By nCourt, LLC
13. 21-Dec-2023 FILED: Motion for a Procedural Order (Extension for Opening Brief); Certificate of Service of Appellant's Motion for a Procedural Order (Appellant)
14. 21-Dec-2023 ORDERED: Motion for a Procedural Order (Extension for Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 01-16-2024 to Thursday, 02-15-2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
15. 13-Feb-2024 FILED: Motion for a Procedural Order (Expedited Consideration Requested) (Transfer Record and Extension of time to file Opening); Certificate of Service of Appellant's Motion for a Procedural Order (Appellant)
16. 13-Feb-2024 ORDERED: Vacating the 02/15/2024 due date for the opening brief. The order ruling on the pending motion will set a due date for the opening brief. Melina Brill ProTem Judge - Author
17. 7-Mar-2024 ORDERED: Motion for a Procedural Order (Expedited Consideration Requested) (Transfer Record and Extension of time to file Opening) (Appellant) = GRANTED. The court does not express an opinion on whether the panel assigned to review the appeal on the merits will consider the additional record. FURTHER ORDERED: Directing the Office of Administrative Hearings to transmit the administrative record from the Office of Administrative Hearings case nos. 21-006-WQAB and 21-004-WQAB to this court by 03/20/2024. FURTHER ORDERED: Requiring appellant to file the opening brief by 04/01/2024. If appellant does not file the brief timely, the court will dismiss this appeal. Hon David B Gass - Author
18. 15-Mar-2024 FILED: Returned US Mail, Order Granting Motion dated 03/07/2024, addressed to Office of Administrative Hearings, Unable to Forward (Resent 03/18/2024)
19. 20-Mar-2024 FILED: Notice of Change of Address; Certificate of Service (Appellee South 32)
20. 20-Mar-2024 FILED: Notice of Substitution of Counsel Within Firm; Certificate of Service (Appellee South 32)
21. 22-Mar-2024 FILED: Notice of Filing Administrative Record as Ordered by Chief Judge
22. 1-Apr-2024 FILED: Opening Brief; Certificate of Compliance; Certificate of Service of Appellant's Opening Brief (Appellant)
23. 6-May-2024 FILED: Stipulated Motion for Procedural Order to Extend Time to File Answering Briefs and Rely Briefs; Certificate of Service Stipulated Motion for Procedural Order to Extend Time to File Answering Briefs and Rely Briefs (Appellee ADEQ)
24. 6-May-2024 ORDERED: Stipulated Motion for Procedural Order to Extend Time to File Answering Briefs and Rely Briefs (Appellee ADEQ) = GRANTED. Due dates EXTENDED from Monday, 05-13-2024 to Wednesday, 06-12-2024. FURTHER ORDERED: The reply briefs are due by 07/23/2024. Melina Brill ProTem Judge - Author
25. 17-May-2024 FILED: Notice of Stipulation Pursuant to ARCAP 11(g)(1)(A) to Include Administrative Record Submitted by the Office of Administrative Hearings in the Record on Appeal; Certificate of Service re: Notice of Stipulation Pursuant to ARCAP 11(g)(1)(A) to Include Administrative Record Submitted by the Office of Administrative Hearings in the Record on Appeal (Appellee ADEQ)
26. 12-Jun-2024 FILED: Answering Brief of Intervenor-Appellee South32 Hermosa Inc.; Certificate of Compliance; Certificate of Service; Appendix to Intervenor-Appellee South32 Hermosa Inc.'s Answering Brief (Appellee South 32)
27. 12-Jun-2024 FILED: Answering Brief; Certificate of Compliance; Certificate of Service; Appendices to Answering Brief (Appellee ADEQ)
28. 23-Jul-2024 FILED: Appellant's Combined Reply Brief; Certificate of Compliance; Certificate of Service of Appellant's Reply Brief (Appellant)
29. 1-Aug-2024 FILED: Joint Request for Oral Argument; Certificate of Service (Appellee)
30. 9-Aug-2024 ORDERED: Joint Request for Oral Argument (Appellee) = GRANTED. Hon David B Gass - Author
31. 14-Aug-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
32. 23-Aug-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
33. 26-Aug-2024 CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 10-24-24, 10:15 am, COURTROOM 2.

**Court of Appeals, Division One**

**Civil Appeal**

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**33 PROCEEDING ENTRIES**