

Court of Appeals, Division One

Civil Appeal

1 CA-CV 24-0095

WHITMER, et al. v. HILTON/PROCACCIANTI

Appellate Case Information

Case Filed: 14-Feb-2024

Case Closed:

Dept/Composition

Consolidated with: 1 CA-CV 24-0108 1 CA-CV 24-0110 1 CA-CV 24-0114

Side 1. R. L. WHITMER, et al., Plaintiff/Appellant

(Litigant Group) R. L. WHITMER, et al.

- R L Whitmer
Colleen London

Attorneys for: Plaintiffs/Appellants
Ross P Meyer, Esq. (AZ Bar No. 28473)

(Litigant Group) ZADOK ELI, et al. (1 CA- CV 24-0110)

- Zadok Eli PRO SE
Hana Eli PRO SE

Side 2. HILTON CASITAS COUNCIL OF HOMEOWNERS, Defendant/Appellee

(Litigant Group) HILTON CASITAS COUNCIL OF HOMEOWNERS

- Hilton Casitas Council of Homeowners

Attorneys for: Defendant/Appellee
R Corey Hill, Esq. (AZ Bar No. 12188)
Ginette M Hill, Esq. (AZ Bar No. 18272)
Christopher Robbins, Esq. (AZ Bar No. 11064)

Side 3. PROCACCIANTI AZ II, LP, Intervenor/Appellee

(Litigant Group) PROCACCIANTI AZ II, LP

- Procaccianti AZ II LP

Attorneys for: Intervenor/Appellee
Andrew M Federhar, Esq. (AZ Bar No. 6567)
Jessica Anne Gale, Esq. (AZ Bar No. 30583)

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2015-053091, Request for Receiver, Melissa Iyer Julian, Authoring Judge of Order.

2 OPEN DUE DATES

Response to Motion due Due By: Friday, August 30, 2024

Re: * FILED: Intervenor/Appellee Procaccianti AZ II, L.P.'s Request for Service by Email and Mail; Intervenor/Appellee Procaccianti AZ II, L.P.'S Certificate of Service of Request for Service by Email and Mail; Order Granting Intervenor/Appellee Procaccianti

Opening Brief due Due By: Friday, September 20, 2024

[1 extension]

Re: FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due

PENDING MATTER

General Motion Intervenor/Appellee Procaccianti AZ II, L.P.'s Request for Service by Email and Mail (Intervenor/Appellee)

Filed: 16-Aug-2024

Court of Appeals, Division One

Civil Appeal

1 CA-CV 24-0095

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CASE DECISION

28-Mar-2024 ORDER



Vacated

* ORDERED: Dismissing this appeal. FURTHER ORDERED: Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals and Motion to Correct Caption in Appeals (Appellee) = DENIED. FURTHER ORDERED: Denying the motion to correct caption as the caption refl

Filed: 28-Mar-2024

Mandate:

Decision Disposition
Dismissed

David Gass.....Author

29 PROCEEDING ENTRIES

1. 14-Feb-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/16/24
2. 14-Feb-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 14-Feb-2024 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 5-Mar-2024 RECEIPT No.: 2024-00219 ; \$280.00, Authorization: #65007339184, Applied to: R. L. WHITMER, et al. - Class A Filing Fee (\$280.00) Paid for: R. L. WHITMER, et al. - By nCourt LLC
5. 11-Mar-2024 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
6. 11-Mar-2024 FILED: Settlement Conference Program Notice
7. 12-Mar-2024 FILED: Intervenor/Appellee Procaccianti AZ II, L.P.'s Notice of Payment of Filing Fee; Intervenor/Appellee Procaccianti AZ II, L.P.'s Certificate of Service of Notice of Payment of Filing Fee (Appellee Procaccianti)
8. 12-Mar-2024 FILED: Notice of Appellee's Filing Fee for Hilton Casitas Council of Homeowners; Certificate of Service (Appellee Hilton)
9. 15-Mar-2024 FILED: Procaccianti's Joinder in Appellants [sic] Motion to Consolidate 1-CA-CV-0108, 1-CA-CV-24-0110 and 1-CA-CV-0114 with 1-CA-CV-0095; Certificate of Service of Procaccianti's Joinder in Appellants [sic] Motion to Consolidate 1-CA-CV-0108, 1-CA-CV-24-0110 and 1-CA-CV-0114 with 1-CA-CV-0095 (Appellee Procaccianti)
10. 18-Mar-2024 RECEIPT No.: 2024-00264 ; \$140.00, Authorization: #78012422198, Applied to: HILTON CASITAS COUNCIL OF HOMEOWNERS - Class B Filing Fee (\$140.00) Paid for: Hill Hall & DeCiancio PLC - By nCourt LLC
11. 18-Mar-2024 RECEIPT No.: 2024-00268 ; \$140.00, Authorization: #78012422198, Applied to: PROCACCIANTI AZ II, LP - Class B Filing Fee (\$140.00) Paid for: Spencer Fane LLP - By nCourt LLC
12. 18-Mar-2024 FILED: Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals and Motion to Correct Caption in Appeals; Certificate of Service - Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals -and Motion to Correct Caption in Appeals (Appellee)
13. 25-Mar-2024 FILED: Case Management Statement (Appellant)
14. 25-Mar-2024 FILED: Notice of Errata (Request to Accept refiled CMS 03/25); Certificate of Service - Case Management Statement (Appellant)
15. 28-Mar-2024 ORDERED: Dismissing this appeal. FURTHER ORDERED: Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals and Motion to Correct Caption in Appeals (Appellee) = DENIED. FURTHER ORDERED: Denying the motion to correct caption as the caption reflects what Hilton Casitas Council of Homeowners requests. Hon David B Gass - Author
16. 6-Apr-2024 FILED: Motion to Reinstate the Appeal of 1 CA-CV 24-0095; Certificate of Service (Appellant)
17. 8-Apr-2024 ORDERED: Any response (to the Motion to Reinstate the Appeal of 1 CA-CV 24-0095) is due by 04/19/2024. Melina Brill ProTem Judge - Author
18. 15-Apr-2024 FILED: Intervenor / Appellee Procaccianti Az II, L.P.'S Response to Motion to Reinstate the Appeal of 1- CA-CV-24-0095; Intervenor / Appellee Procaccianti Az II, L.P.'S Certificate of Service of Response to Motion to Reinstate the Appeal of 1- CA-CV-24-0095 (Intervenor/Appellee)
19. 17-Apr-2024 FILED: Defendant Hilton Casitas' Response to Motions to Reinstate in No. 1 CA-CV 24-0095, No. 1 CA-CV 24-0108, and No. 1 CA-CV 24-0114; Certificate of Service for Defendant Hilton Casitas' Response to Motions to Reinstate in No. 1 CA-CV 24-0095, No. 1 CA-CV 24-108, and No. 1 CA-CV 24-0114 (Defendant/Appellee)

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29 PROCEEDING ENTRIES

20. 22-Apr-2024 FILED: Reply in Support of Motion to Reinstate the Appeal of 1 CA-CV 24-0095; Certificate of Service (Appellant)
21. 29-Apr-2024 ORDERED: Directing the superior court to determine whether the record is accurate and whether any documents are missing. In issuing this order, this court expresses no opinion on the accuracy of the record. FURTHER ORDERED: Within 5 days from the date of this order, appellants shall file a motion in the superior court with this order attached, requesting a ruling regarding the accuracy of the record. FURTHER ORDERED: The superior court may in its discretion hold an evidentiary hearing and may direct the parties to file any motions or documents it deems necessary to determine the accuracy of the record. FURTHER ORDERED: Within 5 days after the superior court issues a ruling, appellants must file a notice with this court with the ruling attached. Upon receipt of the superior court's ruling, this court will rule on the motion to reinstate. FURTHER ORDERED: Directing appellants to file written notice with this court of the status of the superior court proceedings by 05/29/2024. Hon David B Gass - Author
22. 29-May-2024 FILED: Notice of Status of Superior Court Proceedings; Certificate of Service (Appellant)
23. 19-Jul-2024 ORDERED: Motion to Reinstate the Appeal of 1 CA-CV 24-0095 (Appellants); Combined Motion to Reinstate 1 CA-CV 24-0108 and 1 CA-CV 24-0114 (Appellants Pro Per) = GRANTED and reinstating appeals 1 CA-CV 24-0095, 1 CA-CV 24-0108, and 1 CA-CV 24-0114. FURTHER ORDERED: vacating the 3/28/24 orders dismissing 1 CA-CV 24-0095, 1 CA-CV 24-0108, and 1 CA-CV 24-0114. FURTHER ORDERED: consolidating appeals 1 CA-CV 24-0095, 1 CA-CV 24-0108, 1 CA-CV 24-0110, and 1 CA-CV 24-0114. FURTHER ORDERED: lifting the stay of this consolidated appeal. FURTHER ORDERED: requiring appellants file case management statements by 7/31/24. FURTHER ORDERED: requiring appellants file opening briefs by 8/27/24. If appellants do not file opening briefs timely, the court will dismiss the consolidated appeal. Hon David B Gass - Author
24. 31-Jul-2024 FILED: Amended Case Management Statement; Certificate of Service - Amended Case Management Statement (Appellant)
25. 1-Aug-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
26. 2-Aug-2024 FILED: Request to Postpone the Opening Brief Deadline Until After the Maricopa County Clerk of the Superior Court Supplements the Elelctronic [sic] Index of Record (Appellant Pro Per)
27. 2-Aug-2024 ORDERED: Vacating the 08/27/2024 due date for opening brief. Order ruling on pending motion will set a due date to file the opening brief. Melina Brill ProTem Judge - Author
28. 16-Aug-2024 FILED: Intervenor/Appellee Procaccianti AZ II, L.P.'s Request for Service by Email and Mail; Intervenor/Appellee Procaccianti AZ II, L.P.'S Certificate of Service of Request for Service by Email and Mail; Order Granting Intervenor/Appellee Procaccianti AZ II, L.P.'S Request for Service by Email and Mail (Proposed Order) (Intervenor/Appellee)
29. 21-Aug-2024 ORDERED: Request to Postpone the Opening Brief Deadline Until After the Maricopa County Clerk of the Superior Court Supplements the Elelctronic = GRANTED. FURTHER ORDERED: Opening briefs are due by 09/20/2024. If the briefs are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author