

Court of Appeals, Division One

Civil Appeal

1 CA-CV 25-0113

NEELEY, et al. v. THOMAS, et al.

Appellate Case Information

Case Filed: 7-Feb-2025

Case Closed:

Dept/Composition

Department F

Hon. Angela K Paton
Hon. Daniel J Kiley
Hon. Brian Y Furuya

Side 1. AUSTIN NEELEY, et al., Plaintiff/Appellant

(Litigant Group) AUSTIN NEELEY, et al.

- Austin Neeley
V S R
A L N

Co-Counsel for: Plaintiffs/Appellants

Thomas A Connelly, Esq. (AZ Bar No. 19430)
DeeAn Gillespie Strub, Esq. (AZ Bar No. 9987)
Jenny D Jansch, Esq. (AZ Bar No. 24431)

Side 2. ANDREA THOMAS, et al., Defendant/Appellee

(Litigant Group) ANDREA THOMAS, et al.

- Andrea Thomas
Grossman & Grossman LTD

Attorneys for: Defendants/Appellees

William H Doyle, Esq. (AZ Bar No. 7285)
Brandon D Millam, Esq. (AZ Bar No. 34696)
Emily Morgan, Esq. (AZ Bar No. 35413)

CASE STATUS

Jan 13, 2026....Under Advisement

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR CV2019-014318, First Amendment; Freedom of Association, Christopher Whitten, Authoring Judge of Order.

34 PROCEEDING ENTRIES

- 1. 7-Feb-2025 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/10/25
2. 7-Feb-2025 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 10-Feb-2025 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 24-Feb-2025 RECEIPT No.: 2025-00190 ; \$330.00, Check Number: #26511, Applied to: AUSTIN NEELEY, et al. - Class A Filing Fee (\$330.00) Paid for: - By Gillespie Shields Goldfarb & Taylor
5. 28-Feb-2025 FILED: Motion for Procedural Order Extending the Time for Appellants to File Opening Brief; Certificate of Service (Appellant)
6. 3-Mar-2025 ORDERED: Motion for Procedural Order Extending the Time for Appellants to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 04-11-2025 to Tuesday, 05-27-2025. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
7. 3-Mar-2025 FILED: Case Management Statement (Appellant)
8. 3-Mar-2025 FILED: Notice of Ordering Transcripts; Certificate of Service (Appellant)
9. 6-Mar-2025 FILED: Notice of Filing Superior Court Hearing Transcripts; Certificate of Service (Appellant)
10. 6-Mar-2025 FILED: Reporter's Transcript - 06/27/2024 - Trial Setting Conference (Keisha Heflin) (Appellant)
11. 6-Mar-2025 FILED: Reporter's Transcript - 09/19/2024 - Oral Argument (Keisha Heflin) (Appellant)
12. 6-Mar-2025 FILED: Reporter's Transcript - 10/01/2024 - Trial Setting Conference Reset (Keisha Heflin) (Appellant)
13. 6-Mar-2025 FILED: Reporter's Transcript - 10/18/2024 - Trial Setting Conference (Keisha Heflin) (Appellant)
14. 14-Mar-2025 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
15. 14-Mar-2025 FILED: Settlement Conference Program Notice
16. 27-May-2025 FILED: Plaintiffs'/Appellants' Opening Brief; Certificate of Compliance; Certificate of Service; Exhibits 1 and 2 (Appellants)
17. 23-Jun-2025 FILED: Appellees' Andrea Thomas And Grossman & Grossman, LTD's Motion For Procedural Order For Extension Of Time To File Answering Brief; Certificate of Service (Appellee)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 25-0113****NEELEY, et al. v. THOMAS, et al.****34 PROCEEDING ENTRIES**

18. 24-Jun-2025 ORDERED: Appellees' Andrea Thomas And Grossman & Grossman, LTD's Motion For Procedural Order For Extension Of Time To File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 07-07-2025 to Monday, 08-04-2025. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Steven C Lawrence ProTem Judge - Author
19. 27-Jun-2025 RECEIPT No.: 2025-00713 ; \$165.00, Authorization: #78003314661, Applied to: ANDREA THOMAS, et al. - Class B Filing Fee (\$165.00) Paid for: Doyle Hernandez Millam - By nCourt LLC
20. 4-Aug-2025 FILED: Appellees Andrea Thomas and Grossman & Grossman, LTD.'S Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
21. 20-Aug-2025 FILED: Motion for Procedural Order Extending the Time for Appellants to File Reply Brief; Certificate of Service (Appellants)
22. 21-Aug-2025 ORDERED: Motion for Procedural Order Extending the Time for Appellants to File Reply Brief (Appellants) = GRANTED. Due date EXTENDED from Monday, 08-25-2025 to Monday, 09-15-2025. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
23. 15-Sep-2025 FILED: Plaintiffs'/Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
24. 16-Oct-2025 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
25. 27-Oct-2025 CLNDR: CONFERENCE, Department F, 12-18-25, COURTROOM 1.
26. 27-Oct-2025 FILED: Supplemented Superior Court e-Record with Revised Index of Record
27. 19-Nov-2025 ORDERED: Setting oral argument in this matter on 1/13/2026, at 1:30 p.m. in Courtroom 1. FURTHER ORDERED: Vacating the conference currently set for 12/18/2025 and resetting the conference in this matter for 01/13/2026. Each side is allocated 20 minutes within which to present oral argument. Hon Angela K Paton - Author
28. 10-Dec-2025 FILED: Return Receipt Re Oral Argument, signed by Thomas Connelly, on 11/21/25 (Appellant)
29. 5-Jan-2026 FILED: Return Receipt for Notice of Oral Argument, signed by Brandon D. Millam, on 01/05/2026 (Appellee)
30. 6-Jan-2026 ORDERED: In addition to the issues raised in the briefs, counsel should be prepared to address the following questions and provide relevant authority at oral argument: (1) Is court appointment necessary to confer immunity? Are there any cases where immunity covered a non-appointed person who was not already a court or public official (i.e., probation officer, constable, court clerk, etc.)? (2) Is indirect appointment in lieu of a formal appointment order permitted? If it is, how does the person know the scope of his appointment? (3) What constitutes indirect appointment? Does the court 's acceptance of a person's recommendations ratify the person's act of providing recommendations to the court? (4) Is the court's acceptance of the person's unsolicited recommendations sufficient to constitute indirect appointment or does the court need to request that the person continue to give them? (5) If ratification/indirect appointment is possible, does the person have immunity for functions performed prior to said ratification? If no, is it practical or possible to identify the potential damages that arose from recommendations made before the indirect appointment and identical recommendations made afterwards? (6) Does *Widoff v. Wiens*, 202 Ariz. 383 (App. 2002), apply here? Hon Angela K Paton - Author
31. 13-Jan-2026 FILED: Sign-in Sheet
32. 14-Jan-2026 FILED: Notice of Appellate Record References Requested at Oral Argument; Certificate of Service; Exhibits A-C (Appellants)
33. 16-Mar-2026 FILED: Notice of Filing Supplemental Authority; Certificate of Service; Attachment A - Kelly v Winter Ruling (Appellants)
34. 2-Apr-2026 FILED: Notice of Filing Supplemental Authority; Certificate of Service (Appellant)