

Court of Appeals, Division One

Civil Appeal

1 CA-CV 25-0557

RCH WELLNESS v. FLAGSTAFF/YAVAPAI

Appellate Case Information

Case Filed: 30-Jul-2025

Case Closed:

Dept/Composition

Department D

Hon. Daniel J Kiley
Hon. D Steven Williams
Hon. Cynthia J Bailey

Side 1. RCH WELLNESS CENTER, an Arizona nonprofit corporation, Plaintiff/Appellant

(Litigant Group) RCH WELLNESS CENTER

- RCH Wellness Center

Attorneys for: Plaintiff/Appellant

Cameron C Artigue, Esq. (AZ Bar No. 11376)
Jacqueline Marzocca, Esq. (AZ Bar No. 37140)
Sean Krieg, Esq. (AZ Bar No. 40825)

Side 2. CITY OF FLAGSTAFF, a political subdivision of the State of Arizona, and the BOARD OF ADJUSTMENT OF THE CITY OF FLAGSTAFF, a body of the City of Flagstaff, Defendant/Appellee

(Litigant Group) CITY OF FLAGSTAFF

- City of Flagstaff
Flagstaff Board of Adjustment

Attorneys for: Defendant/Appellee Flagstaff

Kristin M Mackin, Esq. (AZ Bar No. 23985)

Side 3. YAVAPAI HERBAL SERVICES, INC., an Arizona nonprofit corporation, Defendant/Appellee

(Litigant Group) YAVAPAI HERBAL SERVICES, INC., an Arizona nonprofit corporation

- Yavapai Herbal Services Inc

Attorneys for: Defendant/Appellee Yavapai Herbal

Jesse R Callahan, Esq. (AZ Bar No. 25393)
Kathleen Shaffer, Esq. (AZ Bar No. 35913)

CASE STATUS

Apr 30, 2026....Decision Rendered

Table with 6 columns: PREDECESSOR CASE (S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: CON, S0300CV202400597, Special Action Pursuant to ARS 9-462.06(k), Brent Davidson Harris, Authoring Judge of Order, Trial, Dispo.

OPEN DUE DATE

Petition for Review to ASC Due

Due By:

Monday, June 1, 2026

Re: OPINION (Affirmed) Hon Daniel J Kiley - Author; Hon D Steven Williams - Concur; Hon Cynthia J Bailey - Concur

CASE DECISION

30-Apr-2026 OPINION

Daniel Kiley.....Author
D Williams.....Concur
Cynthia Bailey.....Concur

Filed: 30-Apr-2026

Mandate:

Decision Disposition

Affirmed

24 PROCEEDING ENTRIES

- 1. 30-Jul-2025 FILED: Index of Record, Notice of Appeal from Coconino County Superior Court filed 05/21/25
2. 30-Jul-2025 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 31-Jul-2025 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 6-Aug-2025 FILED: Notice of Payment of Plaintiff/Appellant's Filing Fee; Certificate of Service for Notice of Payment (Appellant)
5. 12-Aug-2025 RECEIPT No.: 2025-00881 ; \$330.00, Authorization: #24010276881, Applied to: RCH WELLNESS CENTER - Class A Filing Fee (\$330.00) Paid for: Gammage & Burnham PLC - By nCourt LLC
6. 19-Aug-2025 FILED: Case Management Statement (Appellant)
7. 27-Aug-2025 FILED: Appellate Clerk Notice re: Appellee Flagstaff Exempt; Appellee's Fee; Appellant's Brief Due
8. 27-Aug-2025 FILED: Settlement Conference Program Notice

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 25-0557**

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**24 PROCEEDING ENTRIES**

9.	4-Sep-2025	RECEIPT No.: 2025-00980 ; \$165.00, Check Number: #28507, Applied to: YAVAPAI HERBAL SERVICES, INC., an Arizona nonprofi - Class B Filing Fee (\$165.00) Paid for: - By May Potenza Baran & Gillespie PC
10.	17-Sep-2025	FILED: Motion for Procedural Order (Motion for Extension of Time to File Opening Brief); Certificate of Service for Motion for Procedural Order (Appellant)
11.	18-Sep-2025	ORDERED: Motion for Procedural Order (Motion for Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 09-29-2025 to Wednesday, 10-29-2025. The court will not grant any further extension absent new and unforeseen circumstances. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
12.	29-Oct-2025	FILED: Opening Brief; Certificate of Compliance for Opening Brief; Certificate of Service for Opening Brief (Appellant)
13.	29-Oct-2025	FILED: RCH Wellness's Appendix In Support of Its Opening Brief (Appellant)
14.	8-Dec-2025	FILED: Answering Brief of City of Flagstaff Appellees; Certificate of Compliance Re City Answering Brief; Certificate of Service (Appellee)
15.	8-Dec-2025	FILED: Appellee Yavapai Herbal Services, Inc.'s Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
16.	12-Dec-2025	FILED: Notice of Appearance of Co-Counsel; Certificate of Service for Notice of Appearance of Co-Counsel (Appellant)
17.	15-Dec-2025	FILED: Motion for Procedural Order (Extension of Time to File Reply Brief); Certificate of Service for Motion for Procedural Order (Appellant)
18.	15-Dec-2025	ORDERED: Motion for Procedural Order (Extension of Time to File Reply Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 12-29-2025 to Tuesday, 01-27-2026, Due date EXTENDED from Monday, 12-29-2025 to Tuesday, 01-27-2026. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
19.	23-Jan-2026	FILED: Notice of No Reply Brief; Certificate of Service for Notice of No Reply Brief (Appellant)
20.	25-Feb-2026	CLNDR: CONFERENCE, Department D, 4-8-26, COURTROOM 2.
21.	9-Mar-2026	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
22.	11-Mar-2026	FILED: Supplemented Superior Court e-Record with Revised Index of Record
23.	30-Apr-2026	OPINION (Affirmed) Hon Daniel J Kiley - Author; Hon D Steven Williams - Concur; Hon Cynthia J Bailey - Concur
24.	30-Apr-2026	FILED: Decision Distribution Notification