

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-23-0220-PR

FINCHEM, et al v FERNANDEZ

Appellate Case Information

Case Filed: **24-Aug-2023** Archive on: 11-Sep-2034 (planned)
Case Closed: **10-Sep-2024**

Dept/Composition

Side 1. MARK FINCHEM; ANTHONY KERN; and PAUL GOSAR (each in their personal capacity), Plaintiff/Appellant
(Litigant Group) MARK FINCHEM; ANTHONY KERN; and PAUL GOSAR (each in their personal capacity)

- Mark Finchem
- Anthony Kern
- Paul Gosar

Attorneys for: Plaintiff/Appellant
Timothy A LaSota, Esq. (AZ Bar No. 20539)

Side 2. CHARLENE FERNANDEZ (in her personal capacity), Defendant/Appellee
(Litigant Group) CHARLENE FERNANDEZ (in her personal capacity)

- Charlene Fernandez

Attorneys for: Defendant/Appellee
David Jeremy Bodney, Esq. (AZ Bar No. 6065)
Matthew E Kelley, Esq. (AZ Bar No. 37353)
Kennison Lay, Esq. (AZ Bar No. 37098)

CASE STATUS

Aug 20, 2024....Case Closed

Aug 20, 2024....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CV 22-0647				
YUM	S1400CV202100146	Defamation	Levi Gunderson, Authoring Judge of Order Comments: (none)		

CASE DECISION

20-Aug-2024 ORDER

ORDERED: Petition for Review = GRANTED

Filed: **20-Aug-2024**

Mandate: **11-Sep-2024**

FURTHER ORDERED remanding this matter to the court of appeals to reconsider in light of Arizona Republican Party v. Richer, 257 Ariz. 210 (2024).

Decision Disposition

Granted
Remanded

12 PROCEEDING ENTRIES

- 24-Aug-2023 FILED: Motion for Procedural Order Extending Time to File Petition for Review; Certificate of Service (Appellants Finchem, et al.)
- 28-Aug-2023 A "Motion for Procedural Order Extending Time to File Petition for Review" (Appellants Finchem, et al.) having been filed on August 24, 2023,

IT IS ORDERED granting a first extension of time to file the petition for review on or before October 2, 2023. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by October 2, 2023. (Tracie K. Lindeman, Clerk)
- 29-Aug-2023 FILED: Motion to Substitute Counsel for Plaintiffs/Appellants; Certificate of Service (Appellants Finchem, et al.)
- 31-Aug-2023 On August 29, 2023, Appellants Mark Finchem, Anthony Kern, and Paul Gosar, filed a "Motion to Substitute Counsel for Plaintiffs/Appellants." Upon consideration,

IT IS ORDERED granting the motion and substituting Timothy La Sota as counsel of record for Appellants in lieu of Attorneys Don Wilson Jr. and Kelley M. Jancaitis. (Hon. Kathryn H. King)
- 2-Oct-2023 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Memorandum Decision (Westlaw Entry); Order (YumCSC) Filed 8/29/2022 (Appellants Finchem, et al.)

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12 PROCEEDING ENTRIES

6. 2-Oct-2023 FILED: Petition for Review Appendix; Certificate of Service (Appellants Finchem, et al.)
7. 5-Oct-2023 RECEIPT No.: 2023-00656 ; \$280.00, Authorization: 8826017022175748, Applied to: MARK FINCHEM; ANTHONY KERN; and PAUL GOSAR (each i - Class A Filing Fee (\$280.00) Paid for: MARK FINCHEM; ANTHONY KERN; and PAUL GOSAR (each in their personal capacity) - By nCourt LLC
8. 31-Oct-2023 FILED: Respondent Charlene Fernandez's Opposition to Petition for Review; Certificate of Service; Certificate of Compliance (Appellee Fernandez)
9. 7-Nov-2023 RECEIPT No.: 2023-00684 ; \$140.00, Authorization: 8738261106508435, Applied to: CHARLENE FERNANDEZ (in her personal capacity) - Appellee's Filing Fee (\$140.00) Paid for: CHARLENE FERNANDEZ (in her personal capacity) - By nCourt LLC
10. 20-Aug-2024 ORDERED: Petition for Review = GRANTED

FURTHER ORDERED remanding this matter to the court of appeals to reconsider in light of Arizona Republican Party v. Richer, 257 Ariz. 210 (2024).

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Fernandez) = DENIED.

11. 9-Sep-2024 ----CASE STATISTICALLY TERMINATED----
12. 11-Sep-2024 MANDATE REMANDING TO COFA

Issued Mandate and Copy of Minute Letter to CofA
