

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-24-0068-PR

WHARTON v JR PROPERTY

Appellate Case Information

Case Filed: **3-Apr-2024**
 Case Closed:

Dept/Composition

Side 1. ALICIA LOREN WHARTON, Plaintiff/Appellant
 (Litigant Group) ALICIA LOREN WHARTON

- Alicia Loren Wharton PRO SE

Side 2. JR PROPERTY HOLDINGS, LLC, Defendant/Appellee
 (Litigant Group) JR PROPERTY HOLDINGS, LLC

- JR Property Holdings LLC

Attorneys for: Defendant/Appellee

Michael Paul Rolland, Esq. (AZ Bar No. 30744)
 Patrick Clisham, Esq. (AZ Bar No. PClisham)

CASE STATUS

Apr 3, 2024.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CV 23-0002				
↳ MAR	CV2021-014098	Fraud	Bradley H Astrowsky, Authoring Judge of Order Comments: (none)		

25 PROCEEDING ENTRIES

- 3-Apr-2024 FILED: Motion for Procedural Order / Extension of Time to File Petition for Review/Response to Petition for Review; Certificate of Service (Appellant Wharton, Pro Se)
- 8-Apr-2024 A "Motion for Procedural Order/Extension of Time to File Petition for Review/Response to Petition for Review" (Appellant Wharton, pro se) having been filed on April 3, 2024,

IT IS ORDERED granting a first extension of time to file the petition for review on or before May 15, 2024. 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 May 15, 2024. (Tracie K. Lindeman, Clerk)
- 6-May-2024 FILED: Motion for Procedural Order / Extension of Time to File Petition for Review/Response to Petition for Review; Certificate of Service (Appellant Wharton, Pro Se)
- 7-May-2024 A "Motion for Procedural Order/Extension of Time to File Petition for Review/Response to Petition for Review" (Appellant Wharton, pro se) having been filed on May 6, 2024,

IT IS ORDERED granting a second extension of time to file the petition for review on or before June 14, 2024. 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 June 14, 2024. (Tracie K. Lindeman, Clerk)
- 10-Jun-2024 FILED: Accelerated Motion for Procedural Order/Extension of time to File Petition for Review/Response to Petition for Review; Certificate of Service; Exhibit 1; Exhibit 2 (Appellant Wharton, Pro Se)
- 10-Jun-2024 FILED: Exhibit 3; Certificate of Service (Appellant Wharton, Pro Se)

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7. 11-Jun-2024 The Court of Appeals issue its Memorandum Decision on March 5, 2024, and denied Appellant's Motion for Reconsideration on March 29, 2024. Any petition for review was therefore due no later than April 15, 2024, see ARCAP 23(b)(1)(B). Appellant filed a Motion for Procedural Order/Extension of Time to File Petition for Review/Response to Petition for Review on April 3, 2024, alleging "unforeseen circumstances" "as the Appellant's legal calendar is extremely busy in April 2024, and makes it near impossible to effectively meet her legal deadlines that are quickly approaching over the next few weeks." The Court granted the first extension through May 15, 2024, advising "This matter is subject to dismissal if the petition for review is not filed by May 15, 2024."
- Appellant filed a second Motion for Procedural Order/Extension of Time to File Petition for Review/Response to Petition for Review on May 6, 2024, alleging "extraordinary circumstances out of her control," specifically her need to file a special action "involving her three (3) minor children, due to an emergency that has arisen, and it needs to be filed as soon as possible for the safety of the family." On May 7, 2024, the Court granted the second extension of time through June 14, 2024, advising "No further extensions of time shall be granted absent extraordinary circumstances."
- On June 10, 2024, Appellant filed her third request for an extension titled Accelerated Motion for Procedural Order/Extension of time to File Petition for Review/Response to Petition for Review. Appellant alleges that she "is actively undergoing treatment for PTSD and other medical issues caused by ongoing stress," and "currently undergoing medical testing and examinations for new and ongoing health conditions." Appellant further advises she "is currently in the process of obtaining an ADA Accommodation from" other courts in different proceedings "due to her medical diagnosis to ensure her rights are protected, and to prevent stigmas for being discriminated against." Appellant's request is supported by an undated letter from a healthcare provider.
- Requests for physical accommodations may be addressed to disability coordinators. However, "[M]otions for continuance are within the exclusive jurisdiction of the judge presiding over the proceedings." Marks v. Tennessee, 562 Fed. Appx. 341, 345 (6th Cir. 2014).
- The Court seeks to balance the interests of maintaining its docket with the interests of both appellants and appellees. The Court observes that Appellant has received two extensions, and a request for accommodations under the Americans with Disabilities Act ("ADA") is within the Court's discretion. See Novak v. Hall, 139 F. Supp. 3d 901, 915 (N.D. Ill. 2015) (noting that "[W]hile it is possible that Plaintiff's request for extensions of time to make filings and meet other deadlines may be denied at some point in the future," under the ADA, "there is no basis for the conclusion that any such decision will be an unreasonable or unlawful one."
- Upon consideration,
- IT IS ORDERED granting Appellant a third extension through and including July 8, 2024 to file a petition for review. No further extensions will be granted lacking extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by July 8, 2024. (Hon James P Beene)
8. 5-Jul-2024 FILED: Accelerated Motion for Procedural Order/Extension of time to File Petition for Review/Response to Petition for Review; Certificate of Service; Exhibit #1; Exhibit #2 (Appellant Wharton, Pro Se)
9. 5-Jul-2024 FILED: (Duplicate) Accelerated Motion for Procedural Order/Extension of time to File Petition for Review/Response to Petition for Review; Certificate of Service; Exhibit #3 (Appellant Wharton, Pro Se)
10. 10-Jul-2024 The Court of Appeals issued its Memorandum Decision on March 5, 2024, and denied Appellant's Motion for Reconsideration on March 29, 2024. Any petition for review was therefore due no later than April 15, 2024, see ARCAP 23(b)(1)(B). The Court has already granted Plaintiff/Appellant Wharton three extensions of time to file a petition for review, each time cautioning her that no further extensions will be granted absent extraordinary circumstances. In the most recent order, the Court extended her deadline to file a petition for review to July 8, 2024. On July 5, 2024, Appellant filed an "Accelerated Motion for Procedural Order/Extension of Time to File Petition for Review/Response to Petition for Review." In this motion, Appellant contends that various developments have arisen in unrelated trial court proceedings. Appellant also contends that she need not request an extension from Appellee because of her characterization of its conduct as "contemptuous" and because of her "allegations of fraud," also acknowledging that she did not request an extension due to the "limited time available," having filed her fourth request for an extension one business day before the July 8 deadline to file her petition for review. Appellant has failed to establish extraordinary circumstances to warrant a further extension of time to file her petition for review. Therefore,
- IT IS ORDERED denying the request for extension. This matter will be dismissed on July 26, 2024, if no compliant and timely petition for review is filed before 5:00 p.m. on July 25, 2024. (Hon. Kathryn H. King)
11. 16-Jul-2024 FILED: Appellant's Accelerated Motion for Reconsideration of Order Dated July 10, 2024/Motion for Stay of Proceedings; Certificate of Service; Exhibit #1; Exhibit #2 (Appellant Wharton, Pro Se)
12. 16-Jul-2024 FILED: Exhibit #3; (Duplicate) Certificate of Service; Exhibit #4 (Appellant Wharton, Pro Se)

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13. 18-Jul-2024 On July 16, 2024, Plaintiff/Appellant Wharton, pro se, filed "Appellant's Accelerated Motion for Reconsideration of Order Dated July 10, 2024/Motion for Stay of Proceedings." Appellant attaches a January 16, 2024 letter from the Office of the Arizona Attorney General acknowledging receipt of a complaint pertaining to allegations of judicial/attorney conduct, a July 11, 2024 email exchange with the Arizona State Bar advising of a July 10, 2024 State Bar complaint against seven attorneys, a 38-page Criminal Complaint to the Office of the Arizona Attorney General dated December 27, 2023, and a 56-page Judicial Complaint dated November 1, 2023 pertaining to a family court matter.
- The Court of Appeals issued its Memorandum Decision in the above-captioned proceeding on March 5, 2024, and denied Appellant's Motion for Reconsideration on March 29, 2024. Any petition for review was therefore due no later than April 15, 2024, see ARCAP 23(b)(1)(B).
- This Court has extended the deadline for Appellant's petition for review four times, repeatedly cautioning her that no further extensions will be granted absent extraordinary circumstances. Here, Appellant contends that this case is "linked by criminal actions that took place" between an attorney and Appellee "JR Property Holdings LLC, ("JR"), Mrs. Wharton's former landlord in these proceedings, at her former Confidential & Protected Address." She alleges, "JR continued in criminal actions, federal crimes and fraud against the Wharton[s]..." Appellant further contends, "Furthermore, due to the multiple investigations that are underway, both by the State of Arizona and for Federal Crimes with all parties relevant to this petition, and in the case aforementioned, in addition to an extension of time, Mrs. Wharton is now requesting a stay."
- "A petition for review asks the Supreme Court to review a decision of the Court of Appeals." ARCAP 23(a). The Court will not consider in this proceeding any information not considered by the Court of Appeals. Likewise, any pending criminal matters and pending judicial and attorney complaints will be resolved independent of this proceeding.
- Appellant has failed to establish extraordinary circumstances to warrant a further extension of time to file her petition for review, and has failed to establish why this proceeding should be stayed.
- IT IS ORDERED denying Appellant's request for stay.
- IT IS FURTHER ORDERED denying Appellant's request for extension. This matter will be dismissed on July 26, 2024, if no compliant and timely petition for review is filed before 5:00 p.m. on July 25, 2024. (Hon. Kathryn H. King)
14. 25-Jul-2024 FILED: [Stricken Per 7/30/24 Order] Petition for Review; [Stricken Per 7/30/24 Order] Certificate of Service; [Stricken Per 7/30/24 Order] Certificate of Compliance; Memorandum Decision; Minute Entry (MCSC) Filed 7/22/22 (Appellant Wharton, Pro Se)
15. 25-Jul-2024 FILED: [Stricken Per 7/30/24 Order] Appendix; Certificate of Service (Appellant Wharton, Pro Se)
16. 29-Jul-2024 FILED: Record from CofA: Electronic Record
17. 30-Jul-2024 On July 25, 2024, Appellant Wharton, pro se, filed a 3,729-word count Petition for Review. The petition for review is non-compliant pursuant to Rule 23(g), Rules of Civil Appellate Procedure. Accordingly,
- IT IS ORDERED Appellant may file a petition for review that complies with the above referenced rule, consisting of 3500 words or less, or file a motion for extended pagination on or before August 13, 2024.
- IT IS FURTHER ORDERED if a compliant petition for review or motion for extended word count is not received by August 13, 2024, this matter may be dismissed. (Tracie K. Lindeman, Clerk)
18. 30-Jul-2024 The record provided by the Court of Appeals reflects a court order finding Alicia Loren Wharton eligible for a deferral of fees. Pursuant to Arizona Revised Statutes § 12-302(I), notice is hereby provided that the fee deferral in 1 CA-CV 23-0002 for Alicia Wharton has been continued in CV-24-0068-PR. Alicia Wharton is required to report any change in financial circumstances to the Court by filing a document describing the change. At the conclusion of the case, the court may waive fees, order the party to pay fees, or order the party to provide an updated application. (Tracie K. Lindeman, Clerk)
19. 7-Aug-2024 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Memorandum Decision; Ruling Re: Defendant's Motion to Dismiss (MCSC) Filed 1/21/22 (Appellant Wharton, Pro Se)
20. 7-Aug-2024 FILED: Appendix; Certificate of Service; (Copy of) Amended Complaint; (Copy of) Response to Motion to Dismiss (Appellant Wharton, Pro Se)
21. 7-Aug-2024 FILED: Appendix; Certificate of Service; (Copy of) Plaintiffs' Response to Defendant's Application for Attorney's Fees; (Copy of) Bureau of Consumer Financial Protection (Appellant Wharton, Pro Se)
22. 7-Aug-2024 FILED: Appendix; Certificate of Service; (Copy of) Fair Debt Collection Practices Act; (Copy of) Transcript: Hearing (Appellant Wharton, Pro Se)
23. 19-Aug-2024 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellee JR Property)

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| 24. | 23-Aug-2024 | RECEIPT No.: 2024-00232 ; \$140.00, Authorization: 8124607655674345, Applied to: JR PROPERTY HOLDINGS, LLC - Class B Filing Fee (\$140.00) Paid for: JR PROPERTY HOLDINGS, LLC - By nCourt LLC |
| 25. | 23-Aug-2024 | FILED: Motion for Leave to Submit a Reply to Appellee's Response to Petition for Review; Certificate of Service; Reply to Appellee's Response to Petition for Review (Appellant Wharton, Pro Se) |