

Arizona Supreme Court

Civil Special Action

CV-24-0200-SA

C RAMSELL et al v HON. WALLACE/AUCTIONS 4 ACTION

Appellate Case Information

Case Filed: 24-Aug-2024 Archive on: 26-Aug-2034 (planned)
Case Closed: 26-Aug-2024

Dept/Composition

Side 1. CRAIG E. RAMSELL AND MONNIE RAMSELL, Petitioner

(Litigant Group) CRAIG E. RAMSELL AND MONNIE RAMSELL

- Craig E Ramsell
Monnie Ramsell

Side 2. HON. LINDA WALLACE, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Yavapai, Respondent Judge

(Litigant Group) HON. LINDA WALLACE, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Yavapai

- Hon. Linda Wallace

Side 3. AUCTIONS 4 ACTION, LLC, Real Party in Interest

(Litigant Group) AUCTIONS 4 ACTION, LLC

- Auctions 4 Action LLC

Attorneys for: Real Party in Interest

Scott E Williams, Esq. (AZ Bar No. 12417)

CASE STATUS

Aug 26, 2024....Case Closed

Aug 26, 2024....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YAV, S1300CV-202480161, Linda Wallace, Pro Tem

CASE DECISION

26-Aug-2024 ORDER

* On August 24, 2024, Petitioners/Defendants Craig Ramsell and Monnie Ramsell, pro se, filed a "Emergency Petition for Writ of Mandamus."

Defendants' documents establish the following: On June 10th, 2024, Plaintiff Auctions 4 Action LLC filed an evic

Filed: 26-Aug-2024

Mandate:

Decision Disposition

Dismissed

William Montgomery

4 PROCEEDING ENTRIES

- 1. 24-Aug-2024 FILED: Emergency Petition for Writ of Mandamus; Certificate of Compliance (Petitioner's Ramsell, et. al, Pro Se)
2. 24-Aug-2024 FILED: [Copy of] Judgment (Petitioner's Ramsell, et. al, Pro Se)

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4 PROCEEDING ENTRIES

3. 26-Aug-2024 On August 24, 2024, Petitioners/Defendants Craig Ramsell and Monnie Ramsell, pro se, filed a "Emergency Petition for Writ of Mandamus."

Defendants' documents establish the following: On June 10th, 2024, Plaintiff Auctions 4 Action LLC filed an eviction action against Defendants in an Arizona State Court. On June 20, 2024, Defendants, proceeding pro se, filed a notice of removal alleging that the United States District Court for the District of Arizona had jurisdiction to hear the case. On July 21, 2024, Plaintiff filed an expedited motion to remand, arguing that there was no federal jurisdiction. On July 31, 2024, the District Court entered its order remanding the matter to Yavapai County Superior Court. Defendants filed a Notice of Appeal to the Ninth Circuit Court of Appeals. Defendants do not allege that any order has been entered in the Ninth Circuit staying the Yavapai County Superior Court proceedings.

On August 20, 2024, the Yavapai County Superior Court issued a Judgment granting Plaintiff immediate possession of the premises at 50 Bronco Drive, Sedona, AZ 86336 to Plaintiff with a Writ of Restitution in the amount of \$45,285.13. In their "Emergency Petition for Writ of Mandamus," Defendants assert that the superior court lacked jurisdiction to enter the judgment against them, due to Defendant's failure to appear at the August 20, 2024 hearing. Defendants contend they "were absent due to Emergency Craig Ramsell's brain ischemia Medical Procedure at the Flagstaff Medical Center during that same time."

Defendants allege, "The length of time it would take to file a notice of appeal would be inadequate to remedy," and that they will be irreparably harmed if the "void" judgment is enforced. Defendants ask for a writ to prevent the enforcement of the judgment and to vacate the judgment.

A request for mandamus relief is to be brought under the Arizona Rules of Procedure for Special Actions. See Ariz. R.P. Spec. Act. 1(b). Pursuant to Rule 7(b), "if a special action might lawfully have been initiated in a lower court in the first instance, the petition shall also set forth the circumstances which in the opinion of the petitioner render it proper that the petition should be brought in the particular appellate court to which it is presented. If the appellate court finds such circumstances insufficient, the court will on that ground dismiss the petition."

Petitioner does not establish why this action cannot proceed in the Court of Appeals. Therefore,

IT IS ORDERED dismissing the Petition for Special Action without prejudice to filing a proper proceeding that complies with the Special Action Rules of Procedure in the Court of Appeals.

The Court takes no position on the merits of the Petition. (Hon William G Montgomery)

4. 29-Aug-2024 RECEIPT No.: 2024-00242 ; \$280.00, Authorization: 8124643087533478, Applied to: CRAIG E. RAMSELL AND MONNIE RAMSELL - Class A Filing Fee (\$280.00) Paid for: CRAIG E. RAMSELL AND MONNIE RAMSELL - By nCourt LLC