

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-25-0036-PR

MARKHAM v CAHAVA et al

Appellate Case Information

Case Filed: 19-Feb-2025
 Case Closed:

Dept/Composition

En Banc

Hon. Ann A. Scott Timmer
 Hon. John R Lopez
 Hon. Clint Bolick
 Hon. James P Beene
 Hon. William G Montgomery
 Hon. Kathryn H. King
 Hon. Maria Elena Cruz

Side 1. MARKHAM CONTRACTING CO., INC, Plaintiff/Appellant

(Litigant Group) MARKHAM CONTRACTING CO., INC

- Markham Contracting Co Inc

Attorneys for: Plaintiff/Appellant

Karen A Palecek, Esq. (AZ Bar No. 11944)
 James J Palecek, Esq. (AZ Bar No. 15953)
 Eric M Fraser, Esq. (AZ Bar No. 27241)
 John S. Bullock, Esq. (AZ Bar No. 34950)

Side 2. CAHAVA SPRINGS PHASE I, INC., et al., Defendant/Appellee

(Litigant Group) CAHAVA SPRINGS PHASE I, INC., et al.

- Cahava Springs Phase I Inc
- Cahava Springs Development Corporation
- Morningstar Road Properties Inc
- Cahava Springs Community Association

Attorneys for: Defendant/Appellee

Timothy J Berg, Esq. (AZ Bar No. 4170)
 J Christopher Gooch, Esq. (AZ Bar No. 19101)
 Tyler Dixon Carlton, Esq. (AZ Bar No. 35275)

Side 3. AMERICAN SUBCONTRACTORS ASSOCIATION, et al., Amicus Curiae

(Litigant Group) AMERICAN SUBCONTRACTORS ASSOCIATION, et al.

- American Subcontractors Association
- American Subcontractors Association of Arizona

Attorneys for: Amicus Curiae

Michael J Holden, Esq. (AZ Bar No. 6361)
 Jackson C Pittman, Esq. (AZ Bar No. 40518)

CASE STATUS

Apr 21, 2026....Submitted	Feb 11, 2026....At Issue
Feb 10, 2026....Oral Argument Granted	Feb 19, 2025....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-CV 22-0746					
↳ MAR CV2021-054458	Breach of Contract		Erik Thorson, Authoring Judge of Order Comments: (none)		

27 PROCEEDING ENTRIES

1.	19-Feb-2025	FILED: Petitioner's Unopposed Motion for Procedural Order Extending Time; Certificate of Service (Appellees Cahava Springs, et al.)
2.	21-Feb-2025	An "Unopposed Motion for Procedural Order Extending Time" to file a petition for review (Appellees Cahava Springs, et al.) having been filed on February 19, 2025, IT IS ORDERED granting a first extension of time to file the petition for review on or before April 2, 2025. 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 April 2, 2025. (Tracie K. Lindeman, Clerk)
3.	1-Apr-2025	FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Memorandum Decision (Appellees Cahava Springs, et al.)
4.	3-Apr-2025	FILED: Record from CofA: Electronic Record
5.	9-Apr-2025	RECEIPT No.: 2025-00077 ; \$330.00, Authorization: 8302124449791793, Applied to: CAHAVA SPRINGS PHASE I, INC., et al. - Class A Filing Fee (\$330.00) Paid for: CAHAVA SPRINGS PHASE I, INC., et al. - By nCourt LLC
6.	30-Apr-2025	FILED: Plaintiff/Appellant Markham Contracting Co., Inc.'s Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellant Markham)
7.	6-May-2025	FILED: Petitioner/Defendants/Appellees' Brief in Opposition to Fee Request; Certificate of Service; Certificate of Compliance (Appellees Cahava Springs, et al.)

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8. 8-May-2025 RECEIPT No.: 2025-00125 ; \$165.00, Authorization: 83380960991672412, Applied to: MARKHAM CONTRACTING CO., INC - Class B Filing Fee (\$165.00) Paid for: MARKHAM CONTRACTING CO., INC - By nCourt LLC
9. 11-Feb-2026 ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Cahava Springs, et al.) = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Markham) = CONTINUED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than March 2, 2026. Any amicus briefs are due on or before March 17, 2026 and any responses to amicus briefs are due on or before April 6, 2026. Any amicus briefs or responses may not exceed 20 pages in length.
10. 12-Feb-2026 FILED: Joint Motion for Procedural Order Extending Supplemental Briefing Deadline; Certificate of Service (Appellant Markham/Appellees Cahava Springs, et al.)
11. 17-Feb-2026 NOTICE OF ORAL ARGUMENT: Set for Tuesday, April 21, 2026, at 9:30 a.m. at Page High School Auditorium [20 minutes per side].
12. 18-Feb-2026 A "Joint Motion for Procedural Order Extending Supplemental Briefing Deadline" (Appellant Markham/Appellees Cahava Springs, et al.) having been filed on February 12, 2026,

IT IS ORDERED granting the "Joint Motion for Procedural Order Extending Supplemental Briefing Deadline" as follows: Parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than March 23, 2026. Any amicus briefs are due on or before April 6, 2026, and any responses to amicus briefs are due on or before April 13, 2026. Any amicus briefs or responses may not exceed 20 pages in length. All supplemental briefs shall include a table of citations that alphabetically arranges and indexes the cases, statutes and other authorities cited in the brief and refers to the pages of the brief on which each citation of authority appears. (Hon. Ann A. Scott Timmer)
13. 18-Feb-2026 FILED: Notice of Acknowledgment of Oral Argument (Eric M. Fraser will argue) (Appellant Markham)
14. 20-Feb-2026 FILED: Notice of Acknowledgment of Oral Argument (Timothy J. Berg will argue) (Appellee Cahava Springs)
15. 23-Mar-2026 FILED: Plaintiff/Appellant Markham Contracting Co., Inc.'s Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Markham)
16. 23-Mar-2026 FILED: Petitioners' Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee Cahava Springs)
17. 6-Apr-2026 FILED: Brief of Amici Curiae American Subcontractors Association and American Subcontractors Association of Arizona Filed Under ARCAP 16(B)(1)(a) with Written Permission of All Parties; Certificate of Service; Certificate of Compliance (Amicus American Subcontractors, et al.)
18. 6-Apr-2026 FILED: Consent of all Parties (Amicus American Subcontractors, et al.)
19. 13-Apr-2026 FILED: Petitioners' Response to Brief of Amici Curiae American Subcontractors Association and American Subcontractors Association of Arizona; Certificate of Service; Certificate of Compliance (Appellees Cahava Springs, et al.)
20. 15-Apr-2026 SENT: Letter to Arguing Parties
21. 23-Apr-2026 FILED: Petitioners' Notice of Supplemental Citation of Legal Authority; Certificate of Service (Appellees Cahava Springs, et al.)
22. 21-Apr-2026 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Timothy J. Berg, Eric M. Fraser)
23. 28-Apr-2026 FILED: Notice of Withdrawal of Counsel Within Firm; Certificate of Service (Appellant Markham)
24. 30-Apr-2026 FILED: Record from CofA: Electronic Record
25. 30-Apr-2026 FILED: Record from CofA: Electronic Record
26. 30-Apr-2026 FILED: Record from CofA: Electronic Record
27. 30-Apr-2026 FILED: Record from CofA: Electronic Record