

# MINUTES

No. 2660

*Arizona Supreme Court*  
Tuesday, October 27, 2009

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**CV-09-0133-PR**

**MICHELLE EGAN v HON. FRIDLUND-HORNE/HOCHMUTH**

(1)

*Court of Appeals Division One*

*1 CA-SA 08-0240*

ORDERED: Motion to Strike Portions of Petitioner Michelle Anne Egan's "Response" Which Constitute an Improper Cross-Petition = DENIED.

FURTHER ORDERED: Motion Seeking Leave to File Real Party in Interest's Response to Portions of Petitioner's "Response" Which Constitute a Cross-Petition for Review = DENIED.

FURTHER ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = CONTINUED.

**CV-09-0162-PR**

**KATHLEEN WALLS v NATIONWIDE MUTUAL INS**

(2)

*Court of Appeals Division One*

*1 CA-CV 08-0327*

ORDERED: Petition for Review = DENIED.

**CV-09-0166-PR**

**SANDRA DOWLING v DON STAPLEY et al**

(3)

*Court of Appeals Division One*

*1 CA-CV 07-0745*

*1 CA-CV 07-0891*

ORDERED: Appellant's Petition for Review = CONTINUED.

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**CV-09-0179-PR**

(4)

**STEVEN TURCO v ELISA TURCO**

*Court of Appeals Division One*

*1 CA-CV 08-0064*

ORDERED: Petition for Review = DENIED.

**CV-09-0194-PR**

(5)

**KEITH KING et ux v RALPH TITSWORTH**

*Court of Appeals Division One*

*1 CA-CV 08-0387*

ORDERED: Petition for Review = DENIED.

**CR-09-0142-PR**

(6)

**STATE OF ARIZONA v MELISSA ANN BAKER**

*Court of Appeals Division One*

*1 CA-CR 07-0064*

ORDERED: Petition for Review by Arizona Supreme Court = DENIED.

**CR-09-0166-PR**

(7)

**STATE OF ARIZONA v SAMORA McINTOSH**

*Court of Appeals Division One*

*1 CA-CR 07-1060*

ORDERED: Appellant's Petition for Review = DENIED.

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**CR-09-0167-PR**      **STATE OF ARIZONA v ABRAHIMA KANE**  
(8)                      *Court of Appeals Division One*                      *1 CA-CR 07-1067*

ORDERED: Appellant's Petition for Review = DENIED.

**CR-09-0168-PR**      **STATE OF ARIZONA v SHELDON ANTHONY McINTOSH**  
(9)                      *Court of Appeals Division One*                      *1 CA-CR 07-1064*

ORDERED: Appellant's Petition for Review = DENIED.

**CR-09-0170-PR**      **STATE OF ARIZONA v THEODORE CUSH McDOWELL**  
(10)                      *Court of Appeals Division One*                      *1 CA-CR 07-1066*

ORDERED: Appellant's Petition for Review = DENIED.

**CR-09-0176-PR**      **STATE OF ARIZONA v TIMOTHY CHARLES MONK**  
(11)                      *Court of Appeals Division Two*                      *2 CA-CR 08-0106*

ORDERED: Petition for Review = DENIED.

Justice Pelander did not participate in the determination of this matter.

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**CR-09-0179-PR**  
(12)

**STATE OF ARIZONA v FRANK R MALDONADO**

*Court of Appeals Division One*

*1 CA-CR 07-0837*

ORDERED: Petition for Review = GRANTED.

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 20 days from the date of this Court's Minute Letter.

**CR-09-0187-PR**  
(13)

**STATE OF ARIZONA v RYAN ROBERT BAKER**

*Court of Appeals Division Two*

*2 CA-CR 08-0224*

ORDERED: Petition for Review = DENIED.

**CV-09-0178-PR**  
(14)

**HUGHES CUSTOM BUILDING et al v DAVEY**

*Court of Appeals Division Two*

*2 CA-CV 08-0103*

ORDERED: Appellees' Petition for Review = CONTINUED.

**CV-09-0170-PR**  
(15)

**THERESA DeVRIES v STATE/AZ DEPT OF TRANSPORTATION**

*Court of Appeals Division One*

*1 CA-CV 07-0399*

ORDERED: Petition for Review = DENIED.

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**CV-09-0174-PR**  
(16)

**STATE ex rel ICA v TOMMY WORD/PACIFIC MECHANICAL**  
*Court of Appeals Division One*                      *1 CA-CV 08-0218*

ORDERED: Appellee's Petition for Review (Corrected) = GRANTED.

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 20 days from the date of this Court's Minute Letter.

FURTHER ORDERED: Request to Depublish Court of Appeals' Opinion = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellant Word/Pacific Mechanical] = CONTINUED.

**CV-09-0183-PR**  
(17)

**1800 OCOTILLO LLC v THE WLB GROUP INC**  
*Court of Appeals Division One*                      *1 CA-CV 07-0037*

ORDERED: Appellee's Petition for Review = DENIED.

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**CV-09-0190-PR**  
(18)

**ELLEN M TOMETICH V FRANK DAVID TOMETICH**  
*Court of Appeals Division One*                      *1 CA-CV 08-0726*

ORDERED: Petitioner/Appellant's Petition for Review to the Arizona Supreme Court = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellant E. Tometich] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee F. Tometich] = DENIED.

**CR-09-0143-PR**  
(19)

**STATE OF ARIZONA v JOSEANGEL CHACON**  
*Court of Appeals Division One*                      *1 CA-CR 08-0104*

ORDERED: The State of Arizona's Petition for Review = DENIED.

**CR-09-0146-PR**  
(20)

**STATE OF ARIZONA v JOHN MORRELL DAVIS**  
*Court of Appeals Division One*                      *1 CA-CR 08-0623*

ORDERED: Petition for Review Arizona Supreme Court = DENIED.

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**CR-09-0148-PR**  
(21)

**STATE OF ARIZONA v RONALD TAYLOR**  
*Court of Appeals Division Two*                      *2 CA-CR 08-0102*

ORDERED: Petition for Review Arizona Supreme Court = DENIED.

Justice Pelander did not participate in the determination of this matter.

**CR-09-0149-PR**  
(22)

**STATE OF ARIZONA v EVA MARIE BACINSKI**  
*Court of Appeals Division Two*                      *2 CA-CR 08-0147*

ORDERED: Petition for Review = DENIED.

**CR-09-0158-PR**  
(23)

**STATE OF ARIZONA v RICKY BLAINE GROCK**  
*Court of Appeals Division One*                      *1 CA-CR 08-0307 PRPC*

ORDERED: Petition for Review by the Supreme Court = DENIED.

**CV-09-0173-PR**  
(24)

**RAYMOND BENNETT v ICA/AMERCO/INSURANCE COMPANY**  
*Court of Appeals Division One*                      *1 CA-IC 08-0040*

ORDERED: Petition for Review = DENIED.

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**CV-09-0182-PR**                      **ISRAEL NARANJO v HON. STEINLE/STATE ex rel THOMAS**  
(25)                                      *Court of Appeals Division One*                                      *1 CA-SA 09-0101*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

**CV-09-0201-PR**                      **SILVERLEAF PERIMETER v CORPORATE ENHANCEMENT**  
(26)                                      *Court of Appeals Division One*                                      *1 CA-CV 08-0647*

ORDERED: Appellant's Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellant Corporate Enhancement Group] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee Silverleaf Perimeter] = GRANTED.

**CV-09-0203-PR**                      **JOYE PETRINE v KAREN SINCHAK-HIGBY et al**  
(27)                                      *Court of Appeals Division One*                                      *1 CA-CV 08-0280*

ORDERED: Appellees' Petition for Review = DENIED.

Justice Ryan did not participate in the determination of this matter.

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**CV-09-0209-PR**  
(28)

**ALMADELIA LOZOYA et al v LAIDLAW EDUCATION**  
*Court of Appeals Division One*                      *1 CA-CV 08-0510*

ORDERED: Plaintiff/Appellant's Petition for Review = DENIED.

**CV-09-0231-PR**  
(29)

**SCOTTSDALE UNIFIED SCHOOL et al v HON. ELLIS/J DOE**  
*Court of Appeals Division One*                      *1 CA-SA 09-0139*

ORDERED: Joint Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

Chief Justice Berch voted to grant review.

**CR-09-0160-PR**  
(30)

**STATE OF ARIZONA v ORVIE ROWLAND STRECK**  
*Court of Appeals Division Two*                      *2 CA-CR 08-0226*

ORDERED: Petition for Review = DENIED.

Justice Pelander did not participate in the determination of this matter.

**CR-09-0165-PR**  
(31)

**STATE OF ARIZONA v MATT DRIVER**  
*Court of Appeals Division One*                      *1 CA-CR 08-0135*

ORDERED: Petition for Review before Arizona Supreme Court = DENIED.

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**CR-09-0182-PR**  
(32)

**STATE OF ARIZONA v ARRON SHAWN BOSSARDET**  
*Court of Appeals Division Two*                      2 CA-CR 09-0005 PRPC

ORDERED: Petition for Review Pursuant to Rule 31.19 = DENIED.

**CR-09-0188-PR**  
(33)

**STATE OF ARIZONA v JOSE SALVADOR GUILLEN**  
*Court of Appeals Division Two*                      2 CA-CR 07-0365

ORDERED: The State of Arizona's Petition for Review = GRANTED.

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 20 days from the date of this Court's Minute Letter.

**CV-09-0193-PR**  
(34)

**JIMMIE D HOLLAND v MICHAEL HURLEY et ux**  
*Court of Appeals Division Two*                      2 CA-CV 08-0126

ORDERED: Petition for Review to Arizona Supreme Court = GRANTED.

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 20 days from the date of this Court's Minute Letter.

Justice Pelander did not participate in the determination of this matter.

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**CV-09-0206-PR**  
(35)

**O'HARA v HON. FIELDS/STATE/TUCSON CITY ATTY**  
*Court of Appeals Division Two*                      *2 CA-SA 09-0026*

ORDERED: Petition for Review = DENIED.

Justice Pelander did not participate in the determination of this matter.

**CR-09-0208-PR**  
(36)

**STATE OF ARIZONA v BRUCE ALAN WILSON**  
*Court of Appeals Division One*                      *1 CA-CR 08-0456 PRPC*

ORDERED: Motion to Expedite Consideration of Petition for Review = DENIED.

FURTHER ORDERED: Pro-Per Petition for Review by the Supreme Court = DENIED.

**CV-09-0102-PR**  
(37)

**SOUTH WEST SAND & GRAVEL v CENTRAL AZ WATER**  
*Court of Appeals Division One*                      *1 CA-CV 07-0435*

ORDERED: Petition for Review = DENIED.

Justice Bales did not participate in the determination of this matter.

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**CV-09-0132-PR**                      **CHRISTINE A GREEN et al v GARRIOTT/GOMEZ et al**  
(38)                                      *Court of Appeals Division One*                                      *1 CA-CV 07-0424*

ORDERED: Motion for Leave to Supplement Petition for Review = DENIED.

FURTHER ORDERED: Motion to Strike Notice of Supplemental Authority in Support of Amicus Curiae Arizona Education Association = DENIED.

FURTHER ORDERED: Motion to Strike Amicus Curiae Arizona Education Association's Notice of Supplemental Authority = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

**CV-09-0142-PR**                      **RITCHIE et al v SCOTT A KRASNER et al**  
(39)                                      *Court of Appeals Division One*                                      *1 CA-CV 08-0099*

ORDERED: Defendants/Appellants' Petition for Review = DENIED.

**CV-09-0198-PR**                      **SHERYL JOHNSON v HON. HOUSER/HON. JEJNA/STATE**  
(40)                                      *Court of Appeals Division One*                                      *1 CA-SA 09-0119*

ORDERED: Oral Argument Requested = DENIED.

FURTHER ORDERED: Petition for Review of Special Action Decision of the Court of Appeals = DENIED.

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**CV-09-0217-PR**  
(41)

**JOSHUA SHARBONDA v MICHELE SHARBONDA**  
*Court of Appeals Division One*                      *1 CA-CV 08-0089*

ORDERED: Petition for Supreme Court Review = DENIED.

**CV-09-0220-PR**  
(42)

**CIRCLE K et al v HON. HICKS/DUMAS/BALTADONIS**  
*Court of Appeals Division One*                      *1 CA-SA 09-0120*

ORDERED: Petition for Review of Special Action Decision of the Court of Appeals = DENIED.

**CV-09-0238-PR**  
(43)

**STATE ex rel THOMAS v HON. WHITTEN/ARMBRUSTER**  
*Court of Appeals Division One*                      *1 CA-SA 09-0185*

ORDERED: Motion for Expedited Consideration of Petition for Review of Special Action Decision of the Court of Appeals = DENIED.

FURTHER ORDERED: Petition for Review of Special Action Decision of the Court of Appeals = DENIED.

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**CV-09-0258-PR**  
(44)

**SCIENCE FOUNDATION AZ v HON. BUTTRICK/STATE et al**  
*Court of Appeals Division One*                      *1 CA-SA 09-0174*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees and Costs [Petitioner Science Foundation Arizona Inc] = DENIED.

**CV-09-0147-PR**  
(45)

**WORLD SUPER SERVICE et al v HON. MANGUM/AN**  
*Court of Appeals Division One*                      *1 CA-SA 09-0076*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees [Real Parties An] = CONTINUED.

**CR-09-0175-PR**  
(46)

**STATE OF ARIZONA v JORGE ALCANTAR**  
*Court of Appeals Division Two*                      *2 CA-CR 08-0108 PRPC*

ORDERED: Petition for Further Review from Denial of Post-Conviction Relief = DENIED.

Justice Pelander did not participate in the determination of this matter.

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**CV-09-0189-PR**  
(47)

**MARIPOSA ENTERPRISES v LAWYERS TITLE OF AZ**  
*Court of Appeals Division Two*                      *2 CA-CV 08-0157*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Cross-Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees and Costs [Appellees Mariposa Enterprises/Lawyers Title of Arizona Trust 7443-T] = GRANTED only in connection with the response to the petition for review .

Justice Pelander did not participate in the determination of this matter.

**CV-09-0221-PR**  
(48)

**ROMERO v HON. HOGGATT/COCHISE CTY ATTY/CONTRERAS**  
*Court of Appeals Division Two*                      *2 CA-SA 09-0042*

ORDERED: Defendant's Petition to the Supreme Court for Review of a Special Action Decision of the Court of Appeals = DENIED.

Justice Pelander did not participate in the determination of this matter.

**CR-09-0145-PR**  
(49)

**STATE OF ARIZONA v NAKIM GARRISON**  
*Court of Appeals Division One*                      *1 CA-CR 07-0838*

ORDERED: The State of Arizona's Petition for Review = CONTINUED.