

# MINUTES

No. 5034

En Banc

*Arizona Supreme Court*  
Tuesday, February 9, 2016

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**CR-15-0181-PR**

**STATE OF ARIZONA v MARIO ORDONO FIGUEROA**

(1)

*Court of Appeals, Division Two*

*2 CA-CR 14-0128*

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

**CR-15-0193-PR**

**STATE OF ARIZONA v JOHN C STUART**

(2)

*Court of Appeals, Division One*

*1 CA-CR 14-0047*

ORDERED: Petition for Review = DENIED.

**CR-15-0249-PR**

**STATE OF ARIZONA v ALFREDO QUIJADA**

(3)

*Court of Appeals, Division Two*

*2 CA-CR 15-0146 PRPC*

ORDERED: Petition for Review = DENIED.

**CR-15-0264-PR**

**STATE OF ARIZONA v EDMUND HERALD ADAMS**

(4)

*Court of Appeals, Division One*

*1 CA-CR 14-0251*

ORDERED: Petition for Review = DENIED.

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**CR-15-0302-PR**

(5)

**STATE OF ARIZONA v JOSHUA EDWARD SYMONETTE**

*Court of Appeals, Division Two*

*2 CA-CR 14-0111*

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

**CR-15-0331-PR**

(6)

**LEE HOLMAN LACEY v HON. MCGINLEY/STATE**

*Court of Appeals, Division Two*

*2 CA-SA 15-0054*

ORDERED: Petition for Review to the Arizona Supreme Court = DENIED.

**CV-15-0187-PR**

(7)

**ANGELA MERKENS v FEDERAL INSURANCE COMPANY**

*Court of Appeals, Division One*

*1 CA-CV 13-0510*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant/Cross-Appellee Merkens) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee/Cross-Appellant Federal Insurance Company) = DENIED.

**CV-15-0214-PR**

(8)

**DAVID SHOREY et ux v AZ CORPORATION COMMISSION**

*Court of Appeals, Division One*

*1 CA-CV 14-0510*

ORDERED: Petition for Review = DENIED.

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**CV-15-0263-PR**  
(9)

**STATE v HON. STEINLE/ALEJANDRA MORAN**

*Court of Appeals, Division One*

*1 CA-SA 14-0214*

ORDERED: Petition for Review of Special Action Decision of the Court of Appeals = GRANTED on the following issue: Did the trial court abuse its discretion by excluding from evidence the video in question on any of the grounds identified by the courts below?

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-15-0267-PR**  
(10)

**SIERRA CLUB v ARIZONA CORPORATION COMMISSION**

*Court of Appeals, Division One*

*1 CA-CV 14-0003*

ORDERED: Petition for Review = DENIED.

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

**CV-15-0271-PR**  
(11)

**WILLIAM HILLER et al v HUALAPAI MOUNTAIN MED et al**

*Court of Appeals, Division One*

*1 CA-CV 14-0087*

ORDERED: Petition for Review = DENIED.

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**CR-15-0135-PR**  
(12)

**STATE OF ARIZONA v TIMOTHY STUART RING**

*Court of Appeals, Division Two*

*2 CA-CR 14-0318 PRPC*

ORDERED: Petition for Review = DENIED.

**CR-15-0160-PR**  
(13)

**STATE OF ARIZONA v ANETA KAMILA SZARA**

*Court of Appeals, Division Two*

*2 CA-CR 15-0083 PRPC*

ORDERED: Petition for Review = DENIED.

**CR-15-0289-PR**  
(14)

**STATE OF ARIZONA v STEVEN SCOTT CAPLINGER**

*Court of Appeals, Division Two*

*2 CA-CR 15-0101 PRPC*

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

**CR-15-0296-PR**  
(15)

**STATE OF ARIZONA v DANIEL JAMES MORAN**

*Court of Appeals, Division Two*

*2 CA-CR 14-0204*

ORDERED: Appellant's Opening Brief Petition for Review = DENIED.

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**CR-15-0297-PR**  
(16)

**STATE OF ARIZONA v AMBER MARIE BAILEY**

*Court of Appeals, Division Two*                      2 CA-CR 14-0107

ORDERED: Petition for Review = DENIED.

**CR-15-0322-PR**  
(17)

**GARY EISENMANN v HON. GASS/STATE**

*Court of Appeals, Division One*                      1 CA-SA 15-0236

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

**CR-15-0332-PR**  
(18)

**ANTONNEO R BOYCE v RYAN/STATE**

*Court of Appeals, Division One*                      1 CA-SA 15-0239

ORDERED: Motion for Leave to Submit Newly Discovered Evidence = DENIED

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

**CV-15-0280-PR**  
(19)

**SOVEREIGN BANK v INTEGRATED MACHINERY INC**

*Court of Appeals, Division One*                      1 CA-CV 14-0325

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Sovereign Bank) = GRANTED.

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**CV-15-0288-PR**  
(20)

**DE PETRIS/PALMER v ALTFELD et al**

*Court of Appeals, Division One*

*1 CA-CV 13-0740*

ORDERED: Petition for Review of Plaintiffs' Anthony De Petris and Patricia Palmer = DENIED.

**CV-15-0317-PR**  
(21)

**COURTNEY CRAMER v HON. STARR/MUNGUIA/BEJARANO**

*Court of Appeals, Division One*

*1 CA-SA 15-0216*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = 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-15-0324-PR**  
(22)

**SARA JAYNES et al v McCONNELL MD**

*Court of Appeals, Division One*

*1 CA-CV 13-0651*

ORDERED: Petition for Review = DENIED.

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**CR-15-0207-PR**  
(23)

**STATE OF ARIZONA v DAVID LOPEZ GONZALES**

*Court of Appeals, Division One*                      *1 CA-CR 13-0675*

ORDERED: Motion for an In Camera Review of CPS, School, Section 8 Records  
Motion to Expand the Records to Include In Camera Review = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

**CR-15-0293-PR**  
(24)

**STATE OF ARIZONA v MAVERICK KEMP GRAY**

*Court of Appeals, Division Two*                      *2 CA-CR 14-0436*

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.

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**CR-15-0303-PR**  
(25)

**STATE ex rel POLK v HON. CAMPBELL/KRAPS**  
*Court of Appeals, Division One*                      *1 CA-SA 15-0107*

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.

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

**CR-15-0380-PR**  
(26)

**STATE OF ARIZONA v ROBERT FISCHER**  
*Court of Appeals, Division One*                      *1 CA-CR 14-0183*

ORDERED: Petition for Review = CONTINUED.

**CV-15-0265-PR**  
(27)

**ROBERT G HOAG et al v HON. FRENCH/WELLS FARGO**  
*Court of Appeals, Division One*                      *1 CA-SA 15-0167*

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

FURTHER ORDERED: Petition for Review of Denial of Motion for Reconsideration and/or Clarification of Special Action Opinion = DENIED.



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**CV-15-0292-PR**  
(30)

**JENNIFER MARINELLO v GLOVER/STATE ex rel DES**  
*Court of Appeals, Division One*                      *1 CA-CV 14-0456 FC*

ORDERED: Appellant's Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Marinello) = DENIED.

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

**CV-15-0305-PR**  
(31)

**PRESTON/SANSING v MICHAEL AMADEI**  
*Court of Appeals, Division One*                      *1 CA-CV 14-0222*

ORDERED: Appellee/Petitioner's Petition for Review = DENIED.

Justice Timmer voted to grant review.

**CV-15-0343-PR**  
(32)

**YUMA FUNDING INC v HON. PLANTE/AEA FEDERAL CREDIT**  
*Court of Appeals, Division One*                      *1 CA-SA 15-0277*

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

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**CV-15-0234-PR**  
(33)

**JEREMY V. v JUDITH H./K.V.**

*Court of Appeals, Division One*

*1 CA-JV 14-0274*

ORDERED: Petition for Review = GRANTED, VACATED, and REMANDED to the court of appeals for reconsideration in light of *Demetrius L. v. Joshlynn F.*, 2016 WL 116104 (Jan. 12, 2016).

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Jeremy V.) = DENIED.



**The foregoing action was taken by the Arizona Supreme Court on Tuesday, February 9, 2016.**

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Scott Bales, Chief Justice**