

MINUTES

No. 5977

En Banc

Arizona Supreme Court
Monday, December 11, 2017

CR-17-0269-PR

STATE OF ARIZONA v DARREN LEE WINEGARDNER

(1)

Court of Appeals, Division Two

2 CA-CR 16-0110

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, due on or before January 5, 2018. Any amicus briefs are due on or before January 10, 2018, and any responses to amicus briefs are due on or before January 15, 2018.

CR-17-0310-PR

STATE OF ARIZONA v RANDALL TOHONNIE

(2)

Court of Appeals, Division One

1 CA-CR 16-0093 PRPC

ORDERED: Request for Oral Argument = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

CR-17-0320-PR

HERMAN JOE AGUILAR v HON. MCCOY/STATE

(3)

Court of Appeals, Division One

1 CA-SA 17-0162

ORDERED: Petition for Review = DENIED.

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

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Arizona Supreme Court
Monday, December 11, 2017

CR-17-0333-PR

(4)

STATE OF ARIZONA v BRYAN SCOTT GRAFF

Court of Appeals, Division Two 2 CA-CR 16-0135

ORDERED: Petition for Review = DENIED.

CV-17-0101-PR

(5)

LOUIS ERNEST CESPEDES v HON. PEYTON/STATE

Court of Appeals, Division Two 2 CA-CV 16-0021

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

CV-17-0108-PR

(6)

ESPINOSA/COUNTRY CLUB v HON. TALAMANTE/FLORES

Court of Appeals, Division One 1 CA-SA 17-0058

ORDERED: Petition for Review from the Denial of Special Action Jurisdiction = DENIED.

CV-17-0210-PR

(7)

ALICE JUNE MINCH v ARIZONA STATE BOARD OF NURSING

Court of Appeals, Division One 1 CA-CV 16-0152

ORDERED: Petition for Review = DENIED.

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Arizona Supreme Court
Monday, December 11, 2017

CV-17-0212-PR
(8)

ARTHUR S. v DCS/N.S./J.S./C.S.

Court of Appeals, Division Two

2 CA-JV 16-0227

ORDERED: Petition for Review = DENIED.

CV-17-0241-PR
(9)

BSI HOLDINGS LLC v ADOT

Court of Appeals, Division One

1 CA-TX 16-0003

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, due on or before January 5, 2018. Any amicus briefs are due on or before January 10, 2018, and any responses to amicus briefs are due on or before January 15, 2018.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee BSI Holdings LLC) = CONTINUED.

CR-17-0215-PR
(10)

STATE OF ARIZONA v DOMINIQUE DEWAYNE GRAYER

Court of Appeals, Division Two

2 CA-CR 15-0429

ORDERED: Appellant's Petition for Review = DENIED.

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No. 5977

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Arizona Supreme Court
Monday, December 11, 2017

CV-17-0143-PR
(11)

AOR DIRECT LLC v BUTEO LLC/SCOTT G MILLER
Court of Appeals, Division One *1 CA-CV 15-0754*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee AOR Direct LLC)
= DENIED.

CV-17-0194-PR
(12)

AZ ELECTRIC POWER v DJL 2007 et al
Court of Appeals, Division One *1 CA-CV 16-0097*

ORDERED: Petition for Review = GRANTED, vacating the court of appeals' orders "dismissing the case due to lack of appellate jurisdiction" and denying the Petitioners' motion for reconsideration in the court of appeals, and remanding to the court of appeals for consideration on the merits of whether A.R.S. section 12-2101(A)(6) vests the court of appeals with subject matter jurisdiction over the parties' appeal and cross-appeal.

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Arizona Supreme Court
Monday, December 11, 2017

CV-17-0229-PR
(13)

DIANA GLAZER v STATE OF ARIZONA

Court of Appeals, Division One

1 CA-CV 16-0416

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, due on or before January 5, 2018. Any amicus briefs are due on or before January 10, 2018, and any responses to amicus briefs are due on or before January 15, 2018.

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

CV-17-0275-PR
(14)

DENIA L. v DCS/H.C.-L./H.C.-L.

Court of Appeals, Division Two

2 CA-JV 17-0047

ORDERED: Petition for Review = DENIED.

CV-17-0314-PR
(15)

JASON W. v DCS/C.W.

Court of Appeals, Division One

1 CA-JV 17-0140

ORDERED: Appellant Father Jason W.'s Petition for Review = DENIED.

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

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No. 5977

En Banc

Arizona Supreme Court
Monday, December 11, 2017

CV-16-0280-PR
(16)

BARRETT JOHNSON v ALMIDA LAND & CATTLE CO
Court of Appeals, Division One *1 CA-CV 15-0416*

ORDERED: Almida Land & Cattle Company, LLC's Petition for Review =
CONTINUED.

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No. 5977

En Banc

Arizona Supreme Court
Monday, December 11, 2017

CV-16-0294-PR
(17)

ROBIN SILVER et al v PUEBLO DEL SOL WATER CO et al
Court of Appeals, Division One *1 CA-CV 14-0811*

ORDERED: Petition for Review (Appellees United States of America et al) = GRANTED on the following issues:

1. Whether the court of appeals erred to the extent it requires ADWR on remand to consider BLM's federal reserved water rights under ADWR's regulation governing the physical availability of a groundwater supply, A.A.C. 12-15-716(B).
2. Whether, under A.R.S. section 45-108, ADWR may designate Pueblo's water supply as adequate without evaluating potential legal conflicts between Pueblo's groundwater pumping and BLM's senior federal reserved water rights that could render Pueblo's water supply legally unavailable, solely because those water rights have not been adjudicated.
3. Whether the private attorney general doctrine is applicable and permits an award of fees against Pueblo.

FURTHER ORDERED: Petition for Review (Appellees Gerrodette/Silver) = GRANTED as to only the 3 issues identified above.

FURTHER ORDERED: Petition for Review on Behalf of Pueblo Del Sol Water Company (Appellants Pueblo Del Sol Water Company) = GRANTED as to only the 3 issues identified above.

FURTHER ORDERED: Petition for Review (Appellants Buschatzke/ADWR) = GRANTED as to only the 3 issues identified above.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Gerrodette/Silver) = 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, due on or before January 5, 2018. Any amicus briefs are due on or before January 15, 2018, and any responses to amicus briefs are due on or before January 25, 2018.

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No. 5977

En Banc

Arizona Supreme Court
Monday, December 11, 2017

CR-17-0143-PR
(18)

STATE OF ARIZONA v IRNESTO CHACON

Court of Appeals, Division One *1 CA-CR 15-0403*

ORDERED: Petition for Review (Oral Argument Requested) = DENIED.

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

Justices Timmer and Bolick voted to grant review.

CR-17-0163-PR
(19)

VICTOR TED HERNANDEZ v HON. MYERS/STATE et al

Court of Appeals, Division One *1 CA-SA 17-0044*

ORDERED: Petition for Review = DENIED.

CV-17-0150-PR
(20)

SHARLENE HODGKINS v HON. UDALL/EMPIRE WEST TITLE

Court of Appeals, Division One *1 CA-SA 17-0075*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Petitioner Hodgkins) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Real Party Empire West Title) = GRANTED.

MINUTES

No. 5977

En Banc

Arizona Supreme Court
Monday, December 11, 2017

CV-17-0195-PR
(21)

IDA ROMERO v STEINKE et ux/ARIZONA SPINE CARE
Court of Appeals, Division One *1 CA-CV 15-0862*

ORDERED: Petition for Review = DENIED.

CV-17-0231-PR
(22)

SOLARCITY CORPORATION/SUNRUN INC v ADOR
Court of Appeals, Division One *1 CA-TX 15-0008*

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, due on or before January 5, 2018. Any amicus briefs are due on or before January 10, 2018, and any responses to amicus briefs are due on or before January 15, 2018.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants/Appellees Solarcity Corporation/Sunrun Inc.) = CONTINUED.



The foregoing action was taken by the Arizona Supreme Court on Monday, December 11, 2017.

_____ **Date:** _____
Scott Bales, Chief Justice