

MINUTES

No. 5993

En Banc

Arizona Supreme Court
Tuesday, May 8, 2018

CR-16-0245-PC

STATE OF ARIZONA v MIKE PETER GALLARDO

(1)

Maricopa County Superior Court

CR2006-175408-001

ORDERED: Petitioner's Motion to STAY Petition for Review Filed Under Rule 32.9(e), and to Remand = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

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

CR-17-0548-PR

STATE ex rel MONTGOMERY v HON. PADILLA/ARMENTA

(2)

Court of Appeals, Division One

1 CA-SA 17-0237

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

CR-17-0551-PR

STATE OF ARIZONA v JORGE ALDAVAZ MUNOZ

(3)

Court of Appeals, Division One

1 CA-CR 16-0629 PRPC

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

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

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En Banc

Arizona Supreme Court
Tuesday, May 8, 2018

CR-18-0005-PR

(4)

STATE OF ARIZONA v ROBERT DANIEL CHANDLER

Court of Appeals, Division Two

2 CA-CR 17-0079

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

CR-18-0047-PR

(5)

STATE OF ARIZONA v SUSAN J JACOBSON

Court of Appeals, Division One

1 CA-CR 16-0838

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

CV-17-0284-PR

(6)

ROBYNE MCCARRON v HON. SMITH/BOYLE

Court of Appeals, Division One

1 CA-SA 17-0243

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Real Party Boyle) = DENIED.

CV-17-0320-PR

(7)

LEE HARDING et al v DAVID STERNISHER

Court of Appeals, Division One

1 CA-CV 16-0127

ORDERED: Petition for Review = DENIED.

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CV-17-0352-PR
(8)

RAMONA RODRIGUEZ et al v BARBARA STETTNER
Court of Appeals, Division Two 2 CA-CV 17-0156

ORDERED: Petition for Review = DENIED.

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

CV-18-0004-PR
(9)

MCMAHON et al v HON. MONTYA-PAEZ/STETTNER et al
Court of Appeals, Division Two 2 CA-SA 17-0087

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Real Party Stettner) = GRANTED.

CR-17-0480-PR
(10)

STATE OF ARIZONA v TOM ARTHUR BITHELL
Court of Appeals, Division One 1 CA-CR 15-0265

ORDERED: Petition for Review = DENIED.

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

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CR-17-0532-PR
(11)

SHANNON ZUCK et al v HON. CHON-LOPEZ/STATE
Court of Appeals, Division Two 2 CA-SA 17-0062

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Oral Argument Requested) = DENIED.

CR-17-0570-PR
(12)

STATE OF ARIZONA v DAVID GLEN WIGGINS
Court of Appeals, Division One 1 CA-CR 16-0567 PRPC

ORDERED: Petition for Review = DENIED.

CR-17-0605-PR
(13)

STATE OF ARIZONA v ELISIO SOLIS JR
Court of Appeals, Division Two 2 CA-CR 17-0313 PRPC

ORDERED: Petition for Review = DENIED.

CR-18-0131-PR
(14)

STATE v HON. FOSTER/YESENIA DURAN
Court of Appeals, Division One 1 CA-SA 18-0038

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

FURTHER ORDERED: The stay previously entered is dissolved.

Justice Gould and Justice Lopez voted to grant review.

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CV-17-0339-PR
(15)

TURTLE ROCK III v LYNNE A FISHER

Court of Appeals, Division One

1 CA-CV 16-0455

ORDERED: Petition for Review = GRANTED on the following reframed issues:

Are ad hoc penalties per se unreasonable under ARS 33-1803(B)?

If ad hoc penalties are permissible, are they unreasonable if they are not based on actual damages to the homeowner association?

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 for Attorneys' Fees (Appellee Turtle Rock) = CONTINUED.

CV-17-0342-PR
(16)

BUXTON ARLINGTON PET et al v BUTLER et ux

Court of Appeals, Division One

1 CA-CV 16-0260

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Butler) = DENIED.

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

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CV-17-0355-PR
(17)

ATHENA HART KOLLE v RECORP INVESTMENTS et al
Court of Appeals, Division One *1 CA-CV 16-0647*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Recorp Investments et al) = DENIED.

CV-17-0361-PR
(18)

JON PICUS v KUSHNER CARLSON PC
Court of Appeals, Division One *1 CA-CV 17-0053*

ORDERED: Petition for Review = DENIED.

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

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Arizona Supreme Court
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CV-18-0057-PR
(19)

HOPI TRIBE v ARIZONA SNOWBOWL RESORT et al
Court of Appeals, Division One *1 CA-CV 16-0521*

ORDERED: Petition for Review (Appellee City of Flagstaff) = GRANTED.

FURTHER ORDERED: Amended Petition for Review (Appellee Arizona Snowbowl) = 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 for Attorneys' Fees (Appellee City of Flagstaff) = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Arizona Snowbowl) = CONTINUED.

CV-18-0062-PR
(20)

JEWEL C. v DCS/K.D.,K.-D.,K.W.
Court of Appeals, Division Two *2 CA-JV 17-0083*

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

CV-16-0280-PR
(21)

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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CR-17-0165-PR
(22)

ANANDKUMAR JARIWALA v HON. MIKITISH/STATE
Court of Appeals, Division One *1 CA-SA 17-0107*

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

CR-17-0471-PR
(23)

STATE OF ARIZONA v HON. GODOY/WHITNEY
Court of Appeals, Division Two *2 CA-SA 17-0057*

ORDERED: Defendant's Petition for Review = DENIED.

CV-17-0219-PR
(24)

MARY BORUCH et al v STATE ex rel HALIKOWSKI/MESA
Court of Appeals, Division One *1 CA-CV 15-0534*

ORDERED: Petition for Review (Appellee City of Mesa) = DENIED.

FURTHER ORDERED: Petition for Review (Appellee State ex rel Halikowski) = DENIED.

CV-17-0311-PR
(25)

MARK STUART v JIM LANE et al
Court of Appeals, Division One *1 CA-CV 15-0746*

ORDERED: Petition for Review = CONTINUED.

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

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CV-17-0363-PR
(26)

ALMA S. v DCS/J.R./I.R.

Court of Appeals, Division One

1 CA-JV 16-0497

ORDERED: Petitioner Department of Child Safety'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.



The foregoing action was taken by the Arizona Supreme Court on Tuesday, May 8, 2018.

Scott Bales

Date: _____

Scott Bales, Chief Justice