

MINUTES

No. 5360

En Banc

Arizona Supreme Court
Tuesday, September 20, 2016

CR-15-0197-PC

STATE OF ARIZONA v BENJAMIN BERNAL COTA

(1)

Maricopa County Superior Court

CR2004-005648-001

CR2004-006577-001

ORDERED: Petition for Review Re: Dismissal, Post-Conviction Relief (Capital Case) = DENIED.

CR-16-0003-PR

STATE OF ARIZONA v ARMANDO ANDRES ORTIZ

(2)

Court of Appeals, Division Two

2 CA-CR 15-0286 PRPC

ORDERED: Petition for Review = DENIED.

CR-16-0011-PR

STATE OF ARIZONA v KENNETH HARRISON BAUER

(3)

Court of Appeals, Division One

1 CA-CR 14-0866

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

CR-16-0043-PR

STATE OF ARIZONA v FRANCISCO CONTRERAS

(4)

Court of Appeals, Division One

1 CA-CR 14-0529

ORDERED: Petition for Review = DENIED.

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CR-16-0067-PR

(5)

STATE OF ARIZONA v ROBERT JAMES NEESE

Court of Appeals, Division One

1 CA-CR 14-0705

ORDERED: Appellant's Petition for Review = DENIED.

CR-16-0104-PR

(6)

STATE OF ARIZONA v CHRISTOPHER MICHAEL RUSSO

Court of Appeals, Division One

1 CA-CR 15-0042

ORDERED: Petition for Review = DENIED.

CR-16-0115-PR

(7)

STATE OF ARIZONA v FOX JOSEPH SALERNO

Court of Appeals, Division One

1 CA-CR 14-0082 PRPC

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

CR-16-0137-PR

(8)

STATE/A.S. v HON. JOSE PADILLA/SIMCOX

Court of Appeals, Division One

1 CA-SA 16-0017

1 CA-SA 16-0027

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

Justice Bolick voted to grant review.

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CR-16-0151-PR
(9)

STATE OF ARIZONA v ARTHUR CORNELL WRIGHT
Court of Appeals, Division Two 2 CA-CR 15-0222

ORDERED: Petition for Review = DENIED.

CV-16-0031-PR
(10)

GREGORY MASON v HON. McCLENNEN/CARON CLOSE
Court of Appeals, Division One 1 CA-SA 16-0007

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

FURTHER ORDERED: The stay previously entered is dissolved.

Justice Brutinel voted to grant review.

CV-16-0046-PR
(11)

CATALINA FOOTHILLS SCHOOL v LA PALOMA ASSOC
Court of Appeals, Division One 1 CA-CV 14-0838

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

CV-16-0053-PR
(12)

LISA SUMMERS v BRENDA GLOOR et al
Court of Appeals, Division One 1 CA-CV 14-0674

ORDERED: Petition for Review = DENIED.

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CV-16-0057-PR
(13)

MCAO v MC EMPLOYEE MERIT COMM/SMITH
Court of Appeals, Division One *1 CA-CV 15-0009*

ORDERED: Appellee Mark Smith's Petition for Review = DENIED.

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

CV-16-0086-PR
(14)

MARICOPA COUNTY/WRIGHT v HON. MULLINS/JOHNSTON
Court of Appeals, Division One *1 CA-SA 16-0045*

ORDERED: Petition for Review = DENIED.

Vice Chief Justice Pelander and Justice Timmer voted to grant review.

CR-15-0428-PR
(15)

STATE OF ARIZONA v PENNY ANN WEST
Court of Appeals, Division Two *2 CA-CR 13-0562*

ORDERED: Petition for Review = DENIED.

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CR-16-0097-PR
(16)

JULIO GARCIA-SOTO V HON. CAMPBELL/STATE
Court of Appeals, Division One *1 CA-SA 16-0019*

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

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

CR-16-0107-PR
(17)

FERNANDO CERVANTES v HON. CRUZ/STATE ex rel SMITH
Court of Appeals, Division One *1 CA-SA 16-0046*

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

CR-16-0125-PR
(18)

STATE OF ARIZONA v CHARLES JARETT JOHNSON
Court of Appeals, Division Two *2 CA-CR 15-0221*

ORDERED: Petition for Review = DENIED.

CR-16-0165-PR
(19)

GARY EISENMANN v HON. SINCLAIR/STATE
Court of Appeals, Division One *1 CA-SA 16-0086*

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

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CR-16-0206-PR
(20)

JUDY MINLEY v HON. BROWNING/STATE

Court of Appeals, Division Two 2 CA-SA 16-0006

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

FURTHER ORDERED: The stay previously entered is dissolved.

CV-16-0027-PR
(21)

US AIRWAYS INC v QWEST CORPORATION et al

Court of Appeals, Division One 1 CA-CV 14-0226

ORDERED: US Airways' Petition for Review = GRANTED on only the following issues: (1) whether the court of appeals erred in holding that Qwest's tariff(s) limiting its liability for service interruption applies to non-customers under the circumstances presented here; and (2) whether the court of appeals erred in holding that ELM owed no duty to US Airways.

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: Cross-Petition for Review = DENIED.

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CV-16-0033-PR
(22)

JESSYKA MURRAY et al v FARMERS INSURANCE CO et al
Court of Appeals, Division Two *2 CA-CV 14-0123*

ORDERED: Notice of Pending Settlement (Treated as a Motion to Continue Petition for Review and Cross-Petition for Review) = GRANTED.

FURTHER ORDERED: Defendants/Appellees/Cross-Appellants' Petition for Review = CONTINUED.

FURTHER ORDERED: Cross-Petition for Review = CONTINUED.

CV-16-0049-PR
(23)

WELLS FARGO BANK v HON. ROGERS/ROBERT HOAG et al
Court of Appeals, Division One *1 CA-SA 15-0271*

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

CV-16-0059-PR
(24)

SIETE SOLAR/MESQUITE SOLAR v ADOR/MARICOPA CO
Court of Appeals, Division One *1 CA-CV 15-0126*

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

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Siete Solar/Mesquite Solar) = DENIED.

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CV-16-0093-PR
(25)

MARY ANNA SOTOMAYOR v PAULINE SOTOMAYOR-MUNOZ
Court of Appeals, Division Two 2 CA-CV 15-0156

ORDERED: Petition for Review = DENIED.

CV-16-0106-PR
(26)

JEREMY V. v JUDITH H./ K.V.
Court of Appeals, Division One 1 CA-JV 14-0274

ORDERED: Petition for Review = DENIED.

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

CV-16-0121-PR
(27)

HARLEY D. v AMANDA C./L.C.
Court of Appeals, Division One 1 CA-JV 15-0373

ORDERED: Petition for Review = DENIED.

CV-16-0145-PR
(28)

DEMETRIUS L. v JOSHLYNN F./D. L.
Court of Appeals, Division One 1 CA-JV 15-0034

ORDERED: Petition for Review = DENIED.

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CR-15-0225-PC
(29)

STATE OF ARIZONA v PATRICK WADE BEARUP

Maricopa County Superior Court *CR2003-024938-001*

ORDERED: Petition for Review (on Denial of Post-Conviction Relief) = DENIED.

CR-16-0113-PR
(30)

APOLINAR ALTAMIRANO v HON. GATES/STATE

Court of Appeals, Division One *1 CA-SA 16-0042*

ORDERED: Petition for Review = DENIED.

CR-16-0140-PR
(31)

STATE OF ARIZONA v VINCENT QUIMAYOUSIE

Court of Appeals, Division One *1 CA-CR 14-0749*

ORDERED: Petition for Review = DENIED.

CR-16-0150-PR
(32)

STATE OF ARIZONA v JACK LEON BLYTHE

Court of Appeals, Division One *1 CA-CR 15-0339*

ORDERED: Petition for Review = DENIED.

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CR-16-0174-PR
(33)

STATE OF ARIZONA v RICHARD MENDOZA JR
Court of Appeals, Division Two 2 CA-CR 15-0115

ORDERED: Petition for Review = DENIED.

CR-16-0179-PR
(34)

STATE OF ARIZONA v JOHN ALDEN TURNER
Court of Appeals, Division One 1 CA-CR 15-0477

ORDERED: Petition for Review = DENIED.

CV-16-0029-PR
(35)

DOBSON BAY CLUB et al v LA SONRISA DE SIENA LLC
Court of Appeals, Division One 1 CA-CV 13-0709

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.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee La Sonrisa De Siena LLC) = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Dobson Bay Club et al) = CONTINUED.

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CV-16-0058-PR
(36)

ALEXANDER MAHON v LAWRENCE HAMMON et al
Court of Appeals, Division One *1 CA-CV 14-0539*

ORDERED: Petition for Review = DENIED.

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

CV-16-0072-PR
(37)

IN THE MATTER OF US CURRENCY/STATE v CIFUNO
Court of Appeals, Division One *1 CA-CV 14-0715*

ORDERED: Petition for Review = DENIED.

CV-16-0075-PR
(38)

HEIDI HALL v OLIVIA MADRID/JULIE MADRID
Court of Appeals, Division Two *2 CA-CV 15-0073*

ORDERED: Petition for Review = DENIED.

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

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CV-16-0080-PR
(39)

GENE AMES v JULIE AMES

Court of Appeals, Division One

1 CA-CV 15-0013 FC

ORDERED: Petition for Review = DENIED.

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

FURTHER ORDERED: Request for Attorney's' Fees (Appellee G. Ames) = DENIED.

CV-16-0090-PR
(40)

CHARLES BRUMFIELD et al v WILMINGTON SAVINGS FUND

Court of Appeals, Division Two

2 CA-CV 15-0159

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Brumfield et al) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Wilmington Savings Fund) = DENIED.

CR-16-0051-PR
(41)

DANIEL GARCIA v HON. STEINLE/STATE

Court of Appeals, Division One

1 CA-SA 16-0001

ORDERED: Request for Decline of Jurisdiction = DENIED.

FURTHER ORDERED: Petition for Review of Decision Declining Jurisdiction for Special Action Regarding Motion to Compel [Work Product] = DENIED.

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CR-16-0156-PR
(42)

STATE OF ARIZONA v VALENCIA/HEALER

Court of Appeals, Division Two

2 CA-CR 15-0151 PRPC

2 CA-CR 15-0182 PRPC

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-16-0183-PR
(43)

GEORGE ORTEGA v HON LEE/HON DUNSCOMB/STATE

Court of Appeals, Division Two

2 CA-SA 16-0009

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

CR-16-0227-PR
(44)

SIMPSON/MARTINEZ v. HONS. MILLER/STEINLE/STATE

Court of Appeals, Division One

1 CA-SA 15-0292

1 CA-SA 15-0295

ORDERED: State's 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.

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No. 5360

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Arizona Supreme Court
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CV-16-0102-PR
(45)

COMPASS BANK v ROBERT HAMILTON BENNETT et al
Court of Appeals, Division One *1 CA-CV 14-0850*

ORDERED: Appellants' Petition for Review = DENIED.

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

CR-15-0259-PR
(46)

STATE OF ARIZONA v CHARLES W GIBSON
Court of Appeals, Division One *1 CA-CR 14-0413*

ORDERED: Petition for Review of the Opinion of the Court of Appeals = DENIED.

CV-16-0052-PR
(47)

THOMAS HORNE/KATHLEEN WINN v SHEILA POLK
Court of Appeals, Division One *1 CA-CV 14-0837*

ORDERED: Petition for Review = CONTINUED.

FURTHER ORDERED: Amended Request for Attorneys' Fees (Appellants Horne/Winn) = CONTINUED.

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



The foregoing action was taken by the Arizona Supreme Court on Tuesday, September 20, 2016.

_____ Date: _____
Scott Bales, Chief Justice