

# MINUTES

No. 3445

*Arizona Supreme Court*  
**Wednesday, August 31, 2011**

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**CV-11-0008-PR**      **MEYER TURKEN et al v CITY OF PHX et al /CITYNORTH**  
(1)                      *Court of Appeals Division One*                      *1 CA-CV 08-0310*

ORDERED: Joint Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees and Costs  
[Appellants/Cross Appellees Meyer Turken et al] = DENIED.

**CV-11-0026-PR**      **CHINO GRANDE/DAVIS v JOHN KIECKHEFER et al**  
(2)                      *Court of Appeals Division One*                      *1 CA-CV 10-0157*

ORDERED: M. Curt Davis, Successor Trustee Under the Merwyn C. Davis Trust  
Dated July 27, 1981 Motion to Substitute Trustee = GRANTED.

FURTHER ORDERED: Petition for Review = DENIED.

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

**CV-11-0034-PR**      **STATE AUTOMOBILE MUTUAL v ERNEST MAMOE et ux**  
(3)                      *Court of Appeals Division One*                      *1 CA-CV 10-0063*

ORDERED: Oral Argument Requested = DENIED.

FURTHER ORDERED: Motion to Consolidate Review of Mamoe and Chavez =  
DENIED.

FURTHER ORDERED: Motion for Expedited Ruling = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

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**CV-11-0035-PR**                      **LOPEZ v HONS. McCLENNEN/KANE/STATE OF ARIZONA**  
(4)                                      *Court of Appeals Division One*                      *1 CA-SA 11-0018*

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

**CV-11-0041-PR**                      **AARON MUTH v JANET MUTH**  
(5)                                      *Court of Appeals Division One*                      *1 CA-CV 10-0126*

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

**CV-11-0049-PR**                      **THEODORE LEOMBRONI v HON. ANDERSON/STATE**  
(6)                                      *Court of Appeals Division One*                      *1 CA-SA 10-0179*

ORDERED: Stay Request = DENIED.

FURTHER ORDERED: Petition for Review of Special Action = DENIED.

**CR-11-0025-PR**                      **STATE OF ARIZONA v GREGORY DAVID TAMPLIN**  
(7)                                      *Court of Appeals Division Two*                      *2 CA-CR 09-0297*

ORDERED: Petition for Review = DENIED.

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**CR-11-0028-PR**                    **STATE OF ARIZONA v SHANE NICHOLAS EVANS**  
(8)                                    *Court of Appeals Division One*                    *1 CA-CR 09-0162*

ORDERED: Petition for Review = DENIED.

**CR-11-0030-PR**                    **STATE OF ARIZONA v JONATHAN JESSIE MUNIZ**  
(9)                                    *Court of Appeals Division Two*                    *2 CA-CR 09-0289*

ORDERED: Petition for Review to Supreme Court = DENIED.

**CV-11-0019-PR**                    **LENNAR CORP et al v TRANSPORTATION INSURANCE et al**  
(10)                                    *Court of Appeals Division One*                    *1 CA-CV 10-0264*

ORDERED: Oral Argument Requested = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellees Transportation et al] = DENIED.

**CV-11-0039-PR**                    **WYCKOFF v HON. STARING/PAYSON HOSPITAL CORP et al**  
(11)                                    *Court of Appeals Division Two*                    *2 CA-SA 10-0070*

ORDERED: Petition for Review = DENIED.

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**CR-11-0051-PR**  
(12)

**STATE OF ARIZONA v JASON ALLEN MIEG**

*Court of Appeals Division One*

*1 CA-CR 08-0964*

ORDERED: Petition for Review of a Decision of the Arizona Court of Appeals Division 1 = DENIED.

**CV-11-0027-PR**  
(13)

**JOAQUIN OLVERA NAVARRO et al v MICHAEL KLOPP et ux**

*Court of Appeals Division One*

*1 CA-CV 10-0798*

ORDERED: Motion to Strike Section II (A) of Response to Petition for Review = DENIED.

FURTHER ORDERED: Appellants' Petition for Review = DENIED.

**CR-09-0109-PC**  
(14)

**STATE OF ARIZONA v FRANK JARVIS ATWOOD**

*Pima County Superior Court*

*CR-14065*

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

Vice Chief Justice Hurwitz and Justice Pelander did not participate in the determination of this matter.

**CR-11-0050-PR**  
(15)

**STATE OF ARIZONA v LUIS GARCIA**

*Court of Appeals Division One*

*1 CA-CR 10-0033*

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

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**CR-11-0070-PR**  
(16)

**STATE OF ARIZONA v JAMES EARL SMITH, JR**  
*Court of Appeals Division One*                      *1 CA-CR 09-0680*

ORDERED: Petition for Review = DENIED.

**CV-11-0038-PR**  
(17)

**WILLIAM ALLEN LEAR v HON. FIELDS/STATE OF ARIZONA**  
*Court of Appeals Division Two*                      *2 CA-SA 10-0074*

ORDERED: Request for Oral Argument = CONTINUED.

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

**CV-11-0074-PR**  
(18)

**JOSEPH BROMLEY SR v HON. SABALOS/STATE OF AZ**  
*Court of Appeals Division Two*                      *2 CA-SA 10-0080*

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

**CV-11-0048-PR**  
(19)

**JOSE R VASQUEZ v ICA et al**  
*Court of Appeals Division One*                      *1 CA-IC 10-0038*

ORDERED: Petition for Review = DENIED.

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**CV-11-0056-PR**  
(20)

**GERALD FREEMAN et ux v DONALD SORCHYCH**  
*Court of Appeals Division One*                      *1 CA-CV 09-0720*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Cross-Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellants Freeman et ux] = DENIED.

Justices Pelander and Brutinel voted to grant review.

**CV-11-0084-PR**  
(21)

**PAYNE/THEUT/PAYNE v AMERICAN STANDARD INSURANCE**  
*Court of Appeals Division One*                      *1 CA-CV 09-0559*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellants Payne et al] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee American Standard] = DENIED.

**CV-11-0092-PR**  
(22)

**STATE OF ARIZONA v INTERNATIONAL FIDELITY et al**  
*Court of Appeals Division One*                      *1 CA-CV 10-0268*

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

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**CR-11-0008-PR**  
(23)

**STATE OF ARIZONA v JESSICA RENAE RIGGINS**  
*Court of Appeals Division One*                      *1 CA-CR 09-0311*

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

**CR-11-0040-PR**  
(24)

**STATE OF ARIZONA v DOUGLAS LEE EDDINGTON**  
*Court of Appeals Division Two*                      *2 CA-CR 08-0377*

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.

FURTHER ORDERED: Petition for Review by the Arizona Supreme Court [Appellant Eddington] = DENIED.

**CR-11-0047-PR**  
(25)

**STATE OF ARIZONA v JAREN SCOTT DAVIS**  
*Court of Appeals Division Two*                      *2 CA-CR 09-0399*

ORDERED: Petition for Review by Supreme Court = DENIED.

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**CR-11-0100-PR**  
(26)

**STATE OF ARIZONA v JAMES PRENTISS COGHILL**  
*Court of Appeals Division Two*                      *2 CA-CR 09-0247*

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

**CV-11-0072-PR**  
(27)

**CNL HOTELS AND RESORTS et al v MARICOPA COUNTY**  
*Court of Appeals Division One*                      *1 CA-TX 09-0003*

ORDERED: Defendant/Appellee Maricopa County'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.

FURTHER ORDERED: Request for Attorneys' Fees [Appellants CNL Hotels and Resorts et al] = CONTINUED.

FURTHER ORDERED: The Attorney General is invited to file a Brief Amicus Curiae on behalf of the State of Arizona.



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**CV-11-0032-PR**  
(31)

**CARL McGEE v HON. GRANVILLE/STATE OF ARIZONA**  
*Court of Appeals Division One*                      *1 CA-SA 10-0231*

ORDERED: Petition for Review = DENIED.

**CV-11-0114-PR**  
(32)

**NEEME SYSTEMS SOULTIONS v SPECTRUM AERONAUTICAL**  
*Court of Appeals Division One*                      *1 CA-CV 10-0149*

ORDERED: Appellant/Cross-Appellee's Petition for Review by the Arizona Supreme Court = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellant/Cross-Appellee's Neeme Systems Solutions] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee/Cross-Appellant Spectrum Aeronautical LLC] = DENIED.

FURTHER ORDERED: The Court of Appeals' Opinion shall not be published, pursuant to Rule 111(g), Arizona Rules of the Supreme Court.

**CV-11-0115-PR**  
(33)

**JOHN F HOGAN v WASHINGTON MUTUAL BANK et al**  
*Court of Appeals Division One*                      *1 CA-CV 10-0385*

ORDERED: Petition for Review = CONTINUED.

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**CV-11-0132-PR**  
(34)

**JOHN HOGAN v WASHINGTON MUTUAL BANK et al**  
*Court of Appeals Division One*                      *1 CA-CV 10-0383*

ORDERED: Petition for Review = CONTINUED.

**CV-11-0181-PR**  
(35)

**MARIA MARQUEZ v HON. MYERS/ROSARIO ORTEGA et al**  
*Court of Appeals Division One*                      *1 CA-SA 11-0124*

ORDERED: Petitioner's Motion for Stay of Proceedings Pending Petition for Review = DENIED.

FURTHER ORDERED: Oral Argument Requested = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

**CR-11-0084-PR**  
(36)

**STATE OF ARIZONA v SEAN PAUL BLACKWELL**  
*Court of Appeals Division One*                      *1 CA-CR 10-0383*

ORDERED: Petition for Review = DENIED.

**CR-11-0101-PR**  
(37)

**STATE OF ARIZONA v TRACEY LEANNE THOMPSON**  
*Court of Appeals Division Two*                      *2 CA-CR 10-0335 PRPC*

ORDERED: Petition for Review = DENIED.

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**CR-11-0112-PR**  
(38)

**STATE OF ARIZONA v JOSEPH PAUL DELUCA**  
*Court of Appeals Division One*                      *1 CA-CR 08-0352*

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

**CR-11-0130-PR**  
(39)

**STATE OF ARIZONA v WILLIAM PAUL RUSSELL**  
*Court of Appeals Division One*                      *1 CA-CR 10-0376*

ORDERED: Petition for Review = DENIED.

**CV-11-0081-PR**  
(40)

**JOE CHALABI et ux v RICHARD JAMES HOBBS et al**  
*Court of Appeals Division One*                      *1 CA-CV 10-0070*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellees Hobbs et al] = DENIED.

Vice Chief Justice Hurwitz voted to grant review.

**CV-11-0106-PR**  
(41)

**SOUTHERN CALIFORNIA EDISON v ARIZ CORP COMM**  
*Court of Appeals Division One*                      *1 CA-CV 10-0273*

ORDERED: Appellant's Petition for Review = DENIED.

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**CV-11-0112-PR**  
(42)

**SWIFT TRANSPORTATION v HON. GAMA/LEONEL GARZA**  
*Court of Appeals Division One*                      *1 CA-SA 10-0250*

ORDERED: Real Parties in Interest's Motion to Strike Supplement to Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

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

**CV-11-0121-PR**  
(43)

**STATE OF ARIZONA v HON. LEONARDO/MARK GANNON**  
*Court of Appeals Division Two*                      *2 CA-SA 11-0009*

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

**CV-11-0196-PR**  
(44)

**DEJA ANDREA CORREIA v WILLIAM JOSEPH GLEASON III**  
*Court of Appeals Division One*                      *1 CA-CV 11-0046*

ORDERED: Motion for Expedited Action on and Consideration of Petition for Review = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

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**T-11-0006-CV**  
(45)

**FRANKLIN BRUCE ROSS v KEN BENNETT et al**  
*Court of Appeals Division One*                      *1 CA-CV 11-0503 EL*

ORDERED: Joint Petition for Transfer = GRANTED.

FURTHER ORDERED: This appeal will be considered and decided by the Court on the briefs submitted to the Court of Appeals without oral argument.