

MINUTES

No. 6429

En Banc

Arizona Supreme Court
Wednesday, April 3, 2019

CR-18-0562-PR

STATE OF ARIZONA v SANTIAGO JOSE SANCHEZ

(1)

Court of Appeals, Division Two

2 CA-CR 17-0389

ORDERED: Petition for Review to Supreme Court = DENIED.

CR-18-0587-PR

STATE OF ARIZONA v DONALD ALAN MOHON

(2)

Court of Appeals, Division One

1 CA-CR 18-0268 PRPC

ORDERED: Petition for Review = DENIED.

CV-18-0263-PR

PROCACCIANTI AZ v DIANA SHAFFER

(3)

Court of Appeals, Division One

1 CA-CV 17-0205

ORDERED: Defendant/Appellant Diana Shaffer's Petition for Review = DENIED.

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

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Procaccianti AZ II LP) = GRANTED.

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Wednesday, April 3, 2019

CV-18-0284-PR

SHAFFER et al v PROCACCIANTI AZ II LP et al

(4)

Court of Appeals, Division One

1 CA-CV 16-0628

1 CA-CV 16-0629

1 CA-CV 16-0654

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

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Shaffer/LPM Holdings/Eli and Appellant London, Pro Se and Appellant Whitmer, Pro Se) = DENIED.

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

FURTHER ORDERED: Request for Attorneys' Fees (Intervenor/Appellee Procaccianti AZ II LP) = GRANTED.

CV-18-0286-PR

HV & CANAL LLC v UPPER IOWA UNIVERSITY

(5)

Court of Appeals, Division One

1 CA-CV 17-0621

ORDERED: Defendant/Appellant's Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Upper Iowa University) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee HV & Canal LLC) = GRANTED.

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CR-18-0458-PR **STATE OF ARIZONA v KRISTEPHER STEVEN BENAVIDEZ**
(6) *Court of Appeals, Division Two* 2 CA-CR 16-0404

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

CR-18-0516-PR **ANGEL SOZA v HON. MARNER/STATE OF ARIZONA**
(7) *Court of Appeals, Division Two* 2 CA-SA 18-0020

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Oral Argument Requested) = GRANTED. The opinion of the court of appeals is vacated and the case is remanded for reconsideration in light of Diaz v State, No. CR-18-0250-PR (Feb 28, 2019).

CR-19-0048-PR **THOMPSON v HON. THOMPSON/STATE ex rel MONTGOMERY**
(8) *Court of Appeals, Division One* 1 CA-SA 19-0025

ORDERED: State's Motion to Accept Late Filing of State's Response to Petition for Review = DENIED.

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

Justice Bolick voted to grant review.

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

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CV-18-0271-PR
(9)

JOSEPH V. v GREGORY MCKAY/DCS

Court of Appeals, Division One

1 CA-CV 17-0052

ORDERED: Petition for Review = DENIED.

CV-18-0288-PR
(10)

CITY OF TUCSON v CHERYL A TANNO et al

Court of Appeals, Division Two

2 CA-CV 17-0143

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

CR-18-0380-PR
(11)

STATE OF ARIZONA v PHILIP JOHN MARTIN

Court of Appeals, Division One

1 CA-CR 16-0551

Previously Granted per ASC Order filed on 3/20/2019.

CR-18-0489-PR
(12)

STATE OF ARIZONA v WADE NOLAN CLAY

Court of Appeals, Division One

1 CA-CR 18-0463 PRPC

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

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CV-18-0233-PR
(13)

SUSAN DOTY-PEREZ v TONYA DOTY-PEREZ

Court of Appeals, Division One

1 CA-CV 16-0734 FC

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

Justice Bolick voted to grant review.

CV-18-0275-PR
(14)

CITY OF PHOENIX et al v ORBITZ WORLDWIDE et al

Court of Appeals, Division One

1 CA-TX 16-0016

1 CA-TX 16-0018

ORDERED: Petition for Review = GRANTED only as to the issues as rephrased below.

FURTHER ORDERED: Cross-Petition for Review = GRANTED only as to the issues as rephrased below.

Did the court of appeals err in its rulings: (a) affirming partial summary judgment and holding that the OTCs are “brokers” under Model City Tax Code (“MCTC”) § 444 and therefore their service fees are subject to municipal taxation [Petition]; (b) reversing partial summary judgment and holding that because the OTCs are not “hotels,” they are not subject to taxation under MCTC § 447 [Cross-Petition]; and (c) reversing the superior court’s ruling that the Cities may not assess tax, penalties, and interest for tax years before 2013 [Petition].

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. Any amicus briefs are due on or before April 23, 2019, and any responses to amicus briefs are due on or before May 7, 2019.

