

MINUTES

No. 6748

En Banc

Arizona Supreme Court
Tuesday, August 27, 2019

CR-18-0566-PR

ERIN KELLIE DENNIS v HON. BUTLER/STATE

(1)

Court of Appeals, Division Two

2 CA-SA 18-0070

Consolidated with:

CR-19-0052-PR

JOSEPH ACEVEDO et al v HON. BUTLER/STATE

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

CR-18-0603-PR

STATE OF ARIZONA v WYTE YOUNG JR

(2)

Court of Appeals, Division One

1 CA-CR 17-0413

ORDERED: Appellant's Opening Brief (Treated as Petition for Review) = DENIED.

CR-18-0615-PR

STATE OF ARIZONA v TRACY ELISE

(3)

Court of Appeals, Division One

1 CA-CR 16-0373

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

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Arizona Supreme Court
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CR-18-0618-PR

STATE OF ARIZONA v ANTONIO RAYELL COOPER JR

(4)

Court of Appeals, Division One

1 CA-CR 16-0869

1 CA-CR 17-0502

ORDERED: Petition for Review = DENIED.

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

CR-19-0052-PR

JOSEPH ACEVEDO et al v HON. BUTLER/STATE

(5)

Court of Appeals, Division Two

2 CA-SA 18-0088

Consolidated with:

CR-18-0566-PR

ERIN KELLIE DENNIS v HON. BUTLER/STATE

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

CR-19-0062-PR

STATE OF ARIZONA v KRISTOPHER COOLEY

(6)

Court of Appeals, Division One

1 CA-CR 18-0012

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

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CR-19-0070-PR
(7)

ASHLEY DENISE BUCKMAN v HON. VIOLA/STATE

Court of Appeals, Division One 1 CA-SA 19-0028

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

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

CR-19-0134-PR
(8)

STATE OF ARIZONA v DAMASO ALAVEZ

Court of Appeals, Division Two 2 CA-CR 18-0310 PRPC

ORDERED: Petition for Review = DENIED.

CR-19-0164-PR
(9)

CAROLYNN WOOD v HON. SAVONA/STATE et al

Court of Appeals, Division One 1 CA-SA 19-0108

ORDERED: Motion to Strike = GRANTED.

FURTHER ORDERED: Motion to Reinstate a Stay and Motion for Clarification of Rule 34.1 as it Applies in This Case = DENIED.

FURTHER ORDERED: Motion to Strike = GRANTED.

FURTHER ORDERED: Amended Rule 23 Petition for Review = DENIED.

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

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CV-19-0019-PR **BRENDA BAIRD v HON. HERROD/STATE OF ARIZONA**
(10) *Court of Appeals, Division One* *1 CA-SA 19-0018*

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

CV-19-0021-PR **MARK DUPRAY et ux v JAI DINING SERVICES**
(11) *Court of Appeals, Division One* *1 CA-CV 17-0599*

ORDERED: Petition for Review = DENIED.

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

CV-19-0037-PR **WILBUR-ELLIS COMPANY et al v ADOR**
(12) *Court of Appeals, Division One* *1 CA-TX 17-0003*

ORDERED: Petition for Review = DENIED.

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

CV-19-0053-PR **CHEMEHUEVI INDIAN TRIBE et al v GREGORY MULLALLY**
(13) *Court of Appeals, Division One* *1 CA-CV 18-0175*

ORDERED: Petition for Review = DENIED.

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CV-19-0059-PR
(14)

SIETE SOLAR LLC et al v ADOR et al

Court of Appeals, Division One

1 CA-TX 18-0002

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

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

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

CV-19-0069-PR
(15)

ALAN ROBERT OTTO et al v MARK WILLIAM OTTO et al

Court of Appeals, Division One

1 CA-CV 18-0080

ORDERED: Petition for Review = DENIED.

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

CV-19-0072-PR
(16)

DBT YUMA LLC et al v YUMA COUNTY AIRPORT AUTHORITY

Court of Appeals, Division One

1 CA-CV 17-0735

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Yuma County Airport Authority) = GRANTED.

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

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CV-19-0077-PR
(17)

WALTER ANSLEY et al v BANNER HEALTH NETWORK et al
Court of Appeals, Division One *1 CA-CV 17-0075*

ORDERED: Petition for Review = GRANTED as to issues 1 through 3 and this additional issue: Are attorney's fees awardable under either A.R.S. § 12-341.01 or the private attorney general doctrine?

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 September 23, 2019, and any responses to amicus briefs are due on or before September 30, 2019. Any amicus briefs or responses may not exceed 20 pages in length.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees/Cross-Appellants Ansley et al) = CONTINUED.

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

CV-19-0105-PR
(18)

JOHNSON UTILITIES LLC v ARIZONA CORPORATION et al
Court of Appeals, Division One *1 CA-SA 18-0197*

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. Any amicus briefs are due on or before September 23, 2019, and any responses to amicus briefs are due on or before September 30, 2019. Any amicus briefs or responses may not exceed 20 pages in length.

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

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CV-19-0106-PR
(19)

JOHN TERRELL v RUBY TORRES

Court of Appeals, Division One

1 CA-CV 17-0617 FC

ORDERED: Petition for Review = GRANTED as to these issues:

1. Did the court of appeals correctly interpret an in vitro fertilization agreement to permit respondent to use the subject embryos?
2. Did the court of appeals err by failing to remand for the trial court to balance the parties' interests concerning disposition of the subject embryos?

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 September 23, 2019, and any responses to amicus briefs are due on or before September 30, 2019. Any amicus briefs or responses may not exceed 20 pages in length.

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

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

CV-19-0191-PR
(20)

TIMOTHY G. v DCS/ W.X./Y.X./E.X.

Court of Appeals, Division One

1 CA-JV 18-0493

ORDERED: Appellant Father Timothy G.'s Petition for Review = DENIED.

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CR-18-0489-PR
(21)

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.

CR-18-0493-PR
(22)

STATE OF ARIZONA v EDWARD JAN BERT WILLEKENS

Court of Appeals, Division Two

2 CA-CR 18-0151 PRPC

ORDERED: Petition for Review = DENIED.

CR-18-0583-PR
(23)

STATE OF ARIZONA v ROGER SCOTT HELM JR

Court of Appeals, Division Two

2 CA-CR 18-0062 PRPC

Consolidated with:

CR-18-0595-PR

STATE OF ARIZONA v MARTIN RAUL SOTO-FONG

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

CR-18-0595-PR
(24)

STATE OF ARIZONA v MARTIN RAUL SOTO-FONG

Court of Appeals, Division Two

2 CA-CR 18-0181 PRPC

Consolidated with:

CR-18-0583-PR

STATE OF ARIZONA v ROGER SCOTT HELM JR

ORDERED: Petition for Review = CONTINUED.

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CR-18-0616-PR
(25)

STATE OF ARIZONA v HAROLD LEE HIGH JR

Court of Appeals, Division Two 2 CA-CR 17-0343

ORDERED: Petition for Review of a Court of Appeals, Crim. Appeal (Rule 31)
Decision = DENIED.

CR-19-0026-PR
(26)

STATE OF ARIZONA v DAVID MICHAEL WALLACE

Court of Appeals, Division One 1 CA-CR 17-0638

ORDERED: Petition for Review = DENIED.

CR-19-0042-PR
(27)

STATE OF ARIZONA v BRADLEY JUSTIN BOWLING

Court of Appeals, Division One 1 CA-CR 18-0091

ORDERED: Petition for Review = DENIED.

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Arizona Supreme Court
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CR-19-0059-PR
(28)

STATE OF ARIZONA v RICHARD ALLEN REED

Court of Appeals, Division One

1 CA-CR 17-0620

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. Any amicus briefs are due on or before September 23, 2019, and any responses to amicus briefs are due on or before September 30, 2019. Any amicus briefs or responses may not exceed 20 pages in length.

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

CV-19-0035-PR
(29)

DALILA P. v DCS/P.P./I.D/J.D

Court of Appeals, Division Two

2 CA-JV 18-0140

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

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Arizona Supreme Court
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CV-19-0057-PR
(30)

SANDRA R./SERGIO C. v DCS/M.R./F.M./J.M.

Court of Appeals, Division One

1 CA-JV 18-0147

ORDERED: Mother's Petition for Review = GRANTED as to Issue #1 only.

FURTHER ORDERED: Appellant Sergio C.'s Petition for Review = GRANTED as to Issue #2 only as rephrased: Does it violate due process to make the nexus finding in the best-interests inquiry?

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 September 23, 2019, and any responses to amicus briefs are due on or before September 30, 2019. Any amicus briefs or responses may not exceed 20 pages in length.

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

CV-19-0064-PR
(31)

ERIC MEYER et al v STATE OF ARIZONA

Court of Appeals, Division One

1 CA-CV 18-0031

ORDERED: Petition for Review = DENIED.

Chief Justice Brutinel, Justice Lopez, and Justice Beene did not participate in the determination of this matter.

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No. 6748

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Arizona Supreme Court
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CV-19-0123-PR
(32)

HWAL'BAY BA J ENTERPRISES INC v HON. JANTZEN/FOX
Court of Appeals, Division One *1 CA-SA 19-0059*

ORDERED: Petitioner Hwal'bay Ba: J Enterprises, Inc.'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. Any amicus briefs are due on or before September 23, 2019, and any responses to amicus briefs are due on or before September 30, 2019. Any amicus briefs or responses may not exceed 20 pages in length.



The foregoing action was taken by the Arizona Supreme Court on Tuesday, August 27, 2019.

Ann A. Scott Timmer

Date: 8/28/2019

Ann A. Scott Timmer, Vice Chief Justice