

MINUTES

No. 6413

En Banc

Arizona Supreme Court
Wednesday, August 29, 2018

CR-17-0590-PR

STATE OF ARIZONA v JOSHUA EUGENE PATTON

(1)

Court of Appeals, Division One

1 CA-CR 15-0815 PRPC

ORDERED: Petition for Review = DENIED.

CR-17-0621-PR

STATE OF ARIZONA v SAMUEL RUDOLPH ROTONDO

(2)

Court of Appeals, Division One

1 CA-CR 15-0841 PRPC

ORDERED: Petitioner's Petition to Review = DENIED.

CR-18-0003-PR

STATE OF ARIZONA v BRANDON SCOTT DAVENPORT

(3)

Court of Appeals, Division Two

2 CA-CR 16-0272

ORDERED: Petition for Review Pursuant to Rule 31.21 = DENIED.

CR-18-0035-PR

STATE OF ARIZONA v KENDRICK BARROW

(4)

Court of Appeals, Division One

1 CA-CR 16-0630 PRPC

Separate Order.

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Arizona Supreme Court
Wednesday, August 29, 2018

CR-18-0075-PR
(5)

STATE OF ARIZONA v JOHNATHAN SCOTT LIGHT
Court of Appeals, Division Two 2 CA-CR 17-0328 PRPC

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

CR-18-0079-PR
(6)

VERONICA MCNALLY v HON. TREBESCH/STATE
Court of Appeals, Division One 1 CA-SA 18-0033

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

CR-18-0086-PR
(7)

STATE OF ARIZONA v RAMIRO PRECIADO
Court of Appeals, Division Two 2 CA-CR 16-0278

ORDERED: Appellant's Petition for Review = DENIED.

CR-18-0087-PR
(8)

CORONADO v HON. FIELDS/TUCSON PROSECUTOR'S OFFICE
Court of Appeals, Division Two 2 CA-SA 17-0095

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

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CR-18-0103-PR
(9)

STATE OF ARIZONA v MICHAEL ANDREW VANATA
Court of Appeals, Division One *1 CA-CR 16-0673 PRPC*

ORDERED: Motion to Compel = DENIED.

FURTHER ORDERED: (Second) Request for Extension of Time = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Motion Requesting Supreme Court to Compel Superior Court to Rescind Order Dated 5/21/2018 and to Provide Archived Reporters Notes to be Transcribed = DENIED.

FURTHER ORDERED: Petition for Leave to File a Reply to the State's Response in the Interests of Justice = DENIED.

FURTHER ORDERED: Petition Requesting Supreme Court's Intervention Regarding Change of Plea Transcripts = DENIED.

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

CR-18-0104-PR
(10)

STATE OF ARIZONA v JOHNNY RAY KING
Court of Appeals, Division One *1 CA-CR 16-0253 PRPC*

ORDERED: Petition for Review = DENIED.

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Arizona Supreme Court
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CR-18-0136-PR
(11)

STATE OF ARIZONA v WILLIAM L. DAVIS

Court of Appeals, Division One

1 CA-CR 17-0382 PRPC

ORDERED: Petition for Review = DENIED.

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

CR-18-0161-PR
(12)

GREGORY NIEDERMEYER v HON. AINLEY/STATE

Court of Appeals, Division One

1 CA-SA 18-0039

ORDERED: Petition for Review = DENIED.

CR-18-0176-PR
(13)

MOHAMMED MAHROUS v HON. FIELDS/STATE

Court of Appeals, Division Two

2 CA-SA 18-0006

ORDERED: Petition for Special Action Review of a Decision of the Pima County Superior Court = CONTINUED.

CR-18-0199-PR
(14)

STATE OF ARIZONA v JOHN ALLEN MCCLURE

Court of Appeals, Division Two

2 CA-CR 17-0235

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

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Arizona Supreme Court
Wednesday, August 29, 2018

CR-18-0214-PR **STATE OF ARIZONA v JOSHUA EDWARD SYMONETTE**
(15) *Court of Appeals, Division Two* 2 CA-CR 17-0193

ORDERED: Petition for Review = DENIED.

CV-17-0347-PR **CEMEX CONSTRUCTION v FALCONE/GUARANTEE COMPANY**
(16) *Court of Appeals, Division Two* 2 CA-CV 17-0015

ORDERED: Petition for Review of Appellant's Falcone Brothers & Associates, Inc. = DENIED.

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

CV-18-0009-PR **BERNA BOLAND v DISCOUNT TIRE COMPANY et al**
(17) *Court of Appeals, Division One* 1 CA-CV 16-0370

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

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

CV-18-0014-PR **COLA ALLEN v VERIZON WIRELESS**
(18) *Court of Appeals, Division One* 1 CA-CV 16-0586

ORDERED: Petition for Review = DENIED.

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Arizona Supreme Court
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CV-18-0028-PR
(19)

MICHELLE A LUND et al v WILLIAM S LUND et al
Court of Appeals, Division One *1 CA-CV 16-0453*

ORDERED: Appellants' Request for Judicial Notice = DENIED.

FURTHER ORDERED: Appellants' Petition for Review = DENIED.

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

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

CV-18-0052-PR
(20)

THOMAS STRONG v STEPHANI OWENS
Court of Appeals, Division One *1 CA-CV 17-0153 FC*

ORDERED: Petition for Review = DENIED.

CV-18-0069-PR
(21)

STATE FARM v WATTS WATER et al
Court of Appeals, Division One *1 CA-CV 16-0559*

ORDERED: Petition for Review = DENIED.

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

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

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CV-18-0073-PR
(22)

SUSAN WALKER et al v U-HAUL INTERNATIONAL et al
Court of Appeals, Division One *1 CA-CV 16-0366*

ORDERED: Petition for Review = DENIED.

CV-18-0086-PR
(23)

TUCSON YOUTH v ICA/MUNGARAY et al
Court of Appeals, Division Two *2 CA-IC 17-0006*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Petitioner Employer Tucson Youth Development) = DENIED.

CV-18-0089-PR
(24)

ROBERT J NICAISE JR v APARNA SUNDARAM
Court of Appeals, Division One *1 CA-CV 17-0069 FC*

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 September 17, 2018. Any amicus briefs are due on or before September 21, 2018, and any responses to amicus briefs are due on or before September 28, 2018.

ORDERED: Request for Attorneys' Fees (Appellee Nicaise) = CONTINUED.

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Arizona Supreme Court
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CV-18-0101-PR
(25)

PHOENIX CITY PROSECUTOR v HON. LOWERY/CRAIG
Court of Appeals, Division One *1 CA-CV 17-0168*

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 September 17, 2018. Any amicus briefs are due on or before September 21, 2018, and any responses to amicus briefs are due on or before September 28, 2018.

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

CV-18-0112-PR
(26)

ALICIA PETERSON et al v CITY OF SURPRISE
Court of Appeals, Division One *1 CA-CV 16-0415*

ORDERED: Petition for Review = DENIED.

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

CV-18-0131-PR
(27)

JACOB C. ex ux v DCS/G.C./C.C.
Court of Appeals, Division One *1 CA-JV 17-0482*

ORDERED: Petition for Review = DENIED.

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Arizona Supreme Court
Wednesday, August 29, 2018

CV-18-0163-PR
(28)

DCS/S.P. v JUAN P.

Court of Appeals, Division One

1 CA-JV 18-0015

ORDERED: Appellee's Petition for Review = DENIED.

CV-18-0171-PR
(29)

LORETTA DONOVAN v YAVAPAI COLLEGE

Court of Appeals, Division One

1 CA-CV 17-0290

ORDERED: Petition for Review = DENIED.

CV-18-0193-PR
(30)

SAPHIRE M. v DCS/J.B./I.B.

Court of Appeals, Division One

1 CA-JV 17-0532

ORDERED: Appellant Mother Sapphire M.'s Petition for Review = DENIED.

CR-17-0436-PR
(31)

STATE OF ARIZONA v BO DANIEL WYATT

Court of Appeals, Division One

1 CA-CR 16-0025 PRPC

ORDERED: Petition for Review = DENIED.

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Arizona Supreme Court
Wednesday, August 29, 2018

CR-17-0615-PR
(32)

STATE OF ARIZONA v COURTNEY NOELLE WEAKLAND
Court of Appeals, Division Two 2 CA-CR 16-0186

ORDERED: Petition for Review = GRANTED as to issue A(2) only.

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 September 17, 2018. Any amicus briefs are due on or before September 21, 2018, and any responses to amicus briefs are due on or before September 28, 2018.

CV-17-0311-PR
(33)

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

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees = DENIED.

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CV-17-0322-PR
(34)

CONKLIN et ux v MEDTRONIC INC et al

Court of Appeals, Division One

1 CA-CV 16-0252

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 September 17, 2018. Any amicus briefs are due on or before September 21, 2018, and any responses to amicus briefs are due on or before September 28, 2018.

FURTHER ORDERED: Cross-Petition for Review = DENIED.

CV-17-0372-PR
(35)

LINDSAY A./ANDREW W. v DCS/X.F. et al

Court of Appeals, Division One

1 CA-JV 17-0122

ORDERED: Petitioner Department of Child Safety's Petition for Review = GRANTED.

FURTHER ORDERED: Vacating the Court of Appeals Memorandum Decision and remanding for reconsideration in light of *Brenda D. v DCS*, 243 Ariz. 437 (2018).

Chief Justice Bales and Justice Bolick voted to deny review.

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En Banc

Arizona Supreme Court
Wednesday, August 29, 2018

M-18-0016
(36)

JUSTIN D McLAUGHLIN v HON. MULLENEAUX/STATE
Maricopa County Superior Court *CR2000-096761*

ORDERED: The Court declines to accept jurisdiction of the Petition for Special Action.

CV-18-0032-PR
(37)

VANOSS/P.J.V./J.R.V./HEALEY/J.V. v BHP COPPER
Court of Appeals, Division Two *2 CA-CV 17-0033*

ORDERED: Petition for Review = DENIED.

CV-18-0015-PR
(38)

RICHARD RODGERS et al v CHARLES HUCKELBERRY et al
Court of Appeals, Division Two *2 CA-CV 17-0091*

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

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

Justice Bolick voted to grant review.



The foregoing action was taken by the Arizona Supreme Court on
Wednesday, August 29, 2018.

Scott Bales, Chief Justice Date: 8/29/18