

Court of Appeals, Division One
Civil - Settlement Conference

1 CA-CV 15-0271 ELSC

PEORIA et al. v. MELCOR et al.

<p>Appellate Case Information</p> <p>Case Filed: 28-Apr-2015</p> <p>Case Closed:</p>	<p>Dept/Composition</p> <p>Department C</p> <p>Hon. Maurice Portley Hon. John C Gemmill Hon. Samuel A Thumma</p>
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Consolidated with: 1 CA-CV 15-0270 ELSC

Side 1. PEORIA CITIZENS COMMITTEE IN OPPOSITION TO PASSAGE OF BALLOT MEASURE FOR ORDINANCE NO. 2014-08, REFERENDUM SERIAL NO. REF 14-01, et al., Plaintiff/Appellee-Cross Appellant
(Litigant Group) PEORIA CITIZENS COMMITTEE et al.

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| <ul style="list-style-type: none"> ● Peoria Citizens Committee ● Steven D Campbell ● J D Campbell | <p>Attorneys for: Plaintiffs/Appellees/X-Appellants</p> <p>Lisa T Hauser, Esq. (AZ Bar No. 6985)</p> |
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Side 2. RHONDA GERIMINSKY, et al., Defendant/Appellee
(Litigant Group) RHONDA GERIMINSKY, et al.

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| <ul style="list-style-type: none"> ● Rhonda Geriminsky, Cross-Appellee ● City of Peoria, Cross-Appellee | <p>Co-Counsel for: Defendants/Appellees/X-Appellees</p> <p>Melinda A Bird, Esq. (AZ Bar No. 13163)
Ellen M Van Riper, Esq. (AZ Bar No. 11751)
Stephen J Burg, Esq. (AZ Bar No. 12073)</p> |
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(Litigant Group) HELEN PURCELL et al.

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| <ul style="list-style-type: none"> ● Helen Purcell, Cross-Appellee ● Karen Osborne, Cross-Appellee ● Maricopa County Board of Supervisors, Cross-Appellee | <p>Attorneys for: Defendants/Appellees/X-Appellees</p> <p>M Colleen Connor, Esq. (AZ Bar No. 15679)
Joe A Albo, Esq. (AZ Bar No. 4810)</p> |
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Side 3. MELCOR DEVELOPMENTS ARIZONA, INC., et al., Intervenor/Appellant-Cross Appellee
(Litigant Group) MELCOR DEVELOPMENTS ARIZONA, INC., et al.

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| <ul style="list-style-type: none"> ● Melcor Developments Arizona Inc, Real Party in Interest ● Dustin Nelson, Real Party in Interest | <p>Attorneys for: Intervenors/Appellants/X-Appellees</p> <p>Kory A Langhofer, Esq. (AZ Bar No. 24722)
Thomas J Basile, Esq. (AZ Bar No. 31150)</p> |
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CASE STATUS

Sep 24, 2015....Stayed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2014-006654					

OPEN DUE DATE

Court Ordered Document due **Due By:** Tuesday, January 31, 2017

Joint Status Report

*Re: * ORDERED: continuing date by which a motion to dismiss shall be filed to 01/31/2017. FURTHER ORDERED: if no motion to dismiss is filed by 01/31/2017, parties shall file a joint status report by that date apprising court of their progress in fulfilling te*

67 PROCEEDING ENTRIES

1. 28-Apr-2015 FILED: Rule 8.1 Initial Filing Package (Includes copy of Notice of Appeal and copy of Final Order from Maricopa Superior Court)
2. 28-Apr-2015 FILED: Melcor Developments Arizona Inc. and Dustin Nelson's Rule 10 Statement in Expedited Election Matter and Request for Scheduling Conference; Certificate of Service (Appellant)
3. 29-Apr-2015 FILED: Cross-Appellants' Rule 10 Statement in Election Matter; Certificate of Service; Appendix 1 to Cross-Appellants' Rule 10 Statement (Cross-Appellant)

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4. 1-May-2015 FILED: Additional Record on Appeal:
Exhibits: HD 5/27/14 - List and # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 19 20 21 22 23 24 25 26 28 29 30 31 32 33 34 41 42 43 44 45
46 47 51 in a large box.
5. 1-May-2015 FILED: e-Record on Appeal (CV2014-006654):
Instruments/Minute Entries
6. 1-May-2015 RECEIPT No.: 2015-00577 ; \$280.00, Authorization: #20020734595, Applied to: PEORIA CITIZENS COMMITTEE et al. - Class
A Filing Fee (\$280.00) Paid for: The Doyle Firm PC - By Integrated Resource Systems IN
7. 1-May-2015 RECEIPT No.: 2015-00579 ; \$280.00, Authorization: #20020734595, Applied to: MELCOR DEVELOPMENTS ARIZONA, INC., et
al. - Class A Filing Fee (\$280.00) Paid for: Brownstein Hyatt Farber Schreck LLP - By Integrated Resource Systems IN
8. 1-May-2015 FILED: Joint Motion to Consolidate Appeals; Certificate of Service_Joint Motion to Consolidate; Exhibit A to Joint Motion to
Consolidate (Cross-Appellant)
9. 6-May-2015 ORDERED: adopting following schedule for filing briefs: Appellants' opening briefs due 6/5/15; Appellees' answering
briefs/Cross-Appellants' opening briefs due on 7/6/15; Appellants' reply briefs/Cross-Appellees' answering briefs due on 8/3/15
and Cross-Appellants' reply briefs due on 8/18/15. Parties are encouraged to join arguments/briefs where possible. FURTHER
ORDERED: Granting stipulated motion to consolidate cases 1 CA-CV 15-0270 and 1 CA-CV 15-0271. Case 1 CA-CV 15-0270
is designated primary number. Hon Diane M Johnsen - Author
10. 7-May-2015 FILED: Memorandum: Judge Thumma for Judge Brown (Judge Johnsen)
11. 18-May-2015 FILED: Reporter's Transcript of Proceedings - 05/28/2014 - Bench Trial (Kristi K Week)
12. 22-May-2015 FILED: Notice of Filing and Serving Transcripts; Certificate of Service (Appellant)
13. 22-May-2015 FILED: Reporter's Transcript of Proceedings 11/26/14 (Regina M Wittkowske) (Appellants Melcor Developments/D. Nelson)
14. 22-May-2015 FILED: Reporter's Transcript of Proceedings 6/11/14 (Erin K Perkins; Linda Gundelach) (Appellants Melcor Developments/D.
Nelson)
15. 22-May-2015 FILED: Reporter's Transcript of Proceedings 6/4/14 (Cathy K Dowell) (Appellants Melcor Developments/D. Nelson)
16. 22-May-2015 FILED: Reporter's Transcript of Proceedings 12/9/14 (Regina M Wittkowske) (Appellants Melcor Developments/Dustin Nelson)
17. 22-May-2015 FILED: Reporter's Transcript of Proceedings 10/22/14 (Regina M Wittkowske) (Appellants Melcor Developments/D. Nelson)
18. 22-May-2015 FILED: Reporter's Transcript of Proceedings 5/27/14 (Helene Paustian) (Appellant)
19. 22-May-2015 FILED: Reporter's Transcript of Proceedings 5/1/14 (Dianna Aldom) (Appellant)
20. 22-May-2015 FILED: Reporter's Transcript of Proceedings 4/23/14 (Antoinette M Franks, Erin Perkins) (Appellant)
21. 22-May-2015 FILED: Reporter's Transcript of Proceedings 5/27/14 (Lydia Estrada-Gray) (Appellant)
22. 5-Jun-2015 FILED: Opening Brief of Melcor Developments Arizona Inc. and Dustin Nelson; Certificate of Compliance; Certificate of Service
(Intervenors/Real Parties in Interest/Appellants/Appellees/Cross-Appellees)
23. 5-Jun-2015 FILED: Opening Brief on Appeal City of Peoria Defendants; City of Peoria Defendants Certificate of Compliance for Opening Brief
on Appeal; Certificate of Service of Opening Brief on Appeal City of Peoria Defendants
(Appellants/Appellees/Cross-Appellees/Cross-Appellants)
24. 24-Jun-2015 FILED: Notice To Court Of No Position; Certificate of Service (Appellees Purcell, et al.)
25. 6-Jul-2015 FILED: City of Peoria's Notice of Intent Not to File an Opening Brief on Cross-Appeal; City of Peoria's Certificate of Service of
Notice of Intent Not to File an Opening Brief on Cross-Appeal (Appellants/Appellees/Cross-Appellees/Cross-Appellants)
26. 6-Jul-2015 FILED: Response Brief on Appeal City of Peoria Defendants; City of Peoria Defendants' Certificate of Compliance for Response
Brief on Appeal; Certificate of Service of City of Peoria Defendants' Response Brief on Appeal
(Appellants/Appellees/Cross-Appellees/Cross-Appellants)
27. 6-Jul-2015 FILED: Appendix to Consolidated Answering Brief and Opening Brief of Appellees/Cross-Appellants Peoria Citizens Committee in
Opposition to Passage of Ballot Measure for Ordinance No. 2014-08, Referendum Serial No. Ref 14-01, Steven Campbell, and
J.D. Campbell; Certificate of Compliance; Certificate of Service
28. 6-Jul-2015 FILED: Appendix to Consolidated Answering Brief and Opening Brief of Appellees/Cross-Appellants Peoria Citizens Committee in
Opposition to Passage of Ballot Measure for Ordinance No. 2014-08, Referendum Serial No. Ref 14-01, Steven Campbell, and
J.D. Campbell (Duplicate)

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29. 7-Jul-2015 FILED: Consolidated Answering Brief and Opening Brief of Appellees/Cross-Appellants Peoria Citizens Committee in Opposition to Passage of Ballot Measure for Ordinance No. 2014-08, Referendum Serial No. Ref 14-01, Steven Campbell, and J.D. Campbell; Certificate of Compliance; Certificate of Service
30. 8-Jul-2015 ORDERED: amending caption in this appeal by removing designation of "cross-appellants" for City of Peoria and Rhonda Germinsky. FURTHER ORDERED: Amending caption in this appeal by removing designation of "cross-appellees" for plaintiffs and for real party in interest Peoria Citizens Committee in Opposition to Passage of Ballot Measure for Ordinance No. 2014-08, Referendum Serial No Ref 14-01.
31. 10-Jul-2015 AMENDED ORDER: (Court has considered Notice of Intent not to file an Opening Brief on Cross Appeal) amending caption in this appeal by removing designation of "cross-appellants" for City of Peoria and Rhonda Germinsky. FURTHER ORDERED: Amending caption in this appeal by removing designation of "cross-appellees" for plaintiffs and for real party in interest Peoria Citizens Committee. Melina Brill ProTem Judge - Author
32. 11-Jul-2015 FILED: Motion for Procedural Order to Strike and Replace Committee's; Certificate of Service; Declaration; Certificate of Compliance (Cross-Appellant)
33. 11-Jul-2015 FILED: Substitute Consolidated Answering Brief and Opening Brief of Appellees/Cross-Appellants Peoria Citizens Committee in Opposition to Passage of Ballot Measure for Ordinance No. 2014-08, Referendum Serial No. Ref 14-01, Steven Campbell, and J.D. Campbell; Certificate of Compliance; Certificate of Service
34. 11-Jul-2015 FILED: Substitute Appendix Consolidated Answering Brief and Opening Brief of Appellees/Cross-Appellants Peoria Citizens Committee in Opposition to Passage of Ballot Measure for Ordinance No. 2014-08, Referendum Serial No. Ref 14-01, Steven Campbell, and J.D. Campbell
35. 13-Jul-2015 FILED: Stipulation to Vacate and Extend Deadlines for To Be Filed Briefs; Certificate of Service for Stipulation to Vacate and Extend Deadlines for To Be Filed Briefs (Appellant)
36. 14-Jul-2015 ORDERED: Stipulation to Vacate and Extend Deadlines for To Be Filed Briefs; Certificate of Service for Stipulation to Vacate and Extend Deadlines for To Be Filed Briefs (Appellant) = GRANTED/Appellants' reply briefs and Cross-Appellees answering briefs due 8/13/15 and Cross-Appellants' reply brief is due on 8/28/15. Hon Maurice Portley - Author
37. 23-Jul-2015 FILED: Melcor Developments Arizona Inc. and Dustin Nelson's Motion to Strike; Certificate of Service (Appellant)
38. 27-Jul-2015 FILED: Response to Malcor Developments Arizona, Inc., and Dustin Nelson's Motion to Strike; Certificate of Service (Appellee)
39. 27-Jul-2015 FILED: Appellee's ARCAP 3 Motion to Suspend the Rules to Permit Filing of Substitute Consolidated Answering Brief in Excess of 14,000 Words; Certificate of Service (Appellee)
40. 31-Jul-2015 FILED: Response to Appellee's ARCAP 3 Motion to Suspend the Rules to Permit Filing of Substitute Consolidated Answer Brief in Excess of 14,000 Words; Certificate of Service (Appellant)
41. 31-Jul-2015 FILED: Reply in Support of Melcor Developments Arizona Inc. and Dustin Nelson's Motion to Strike; Certificate of Service (Appellant)
42. 4-Aug-2015 FILED: Reply in Support of ARCAP 3 Motion to Suspend the Rules to Permit Filing of Substitute Consolidated Answering Brief in Excess of 14,000 Words; Certificate of Service (Appellee)
43. 13-Aug-2015 FILED: City of Peoria Defendants Consolidated Reply Brief on Appeal and Answering Brief on Cross-Appeal; Certificate of Compliance for City of Peoria Defendants Consolidated Reply Brief on Appeal and Answering Brief on Cross-Appeal; Certificate of Service for City of Peoria Defendants Consolidated Reply Brief on Appeal and Answering Brief on Cross-Appeal (Appellant)
44. 13-Aug-2015 FILED: Consolidated Reply and Answering Brief of Appellants/Cross-Appellees Melcor Developments Arizona Inc. and Dustin Nelson; Certificate of Compliance; Certificate of Service
45. 17-Aug-2015 ORDERED: Melcor Developments Arizona Inc. and Dustin Nelson's Motion to Strike (Appellant) = DENIED. Hon Maurice Portley - Author
46. 17-Aug-2015 ORDERED: Appellee's ARCAP 3 Motion to Suspend the Rules to Permit Filing of Substitute Consolidated Answering Brief in Excess of 14,000 Words (Appellee) = GRANTED and accepting Committee's brief as filed on 7/11/15. Hon Maurice Portley - Author
47. 17-Aug-2015 ORDERED: granting motion to strike Committee's previously filed consolidated answering/opening brief and appendix and replace them with Committees substitute brief and substitute appendix filed w/ court on 7/11/15. Hon Maurice Portley - Author

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48. 28-Aug-2015 FILED: Appendix to Consolidated Reply Briefs Appellees/Cross-Appellants Peoria Citizens Committee in Opposition to Passage of Ballot Measure for Ordinance No. 2014-08, Referendum Serial No. Ref 14-01, Steven Campbell, and J.D. Campbell
49. 28-Aug-2015 FILED: Consolidated Reply Briefs Appellees/Cross-Appellants Peoria Citizens Committee in Opposition to Passage of Ballot Measure for Ordinance No. 2014-08, Referendum Serial No. Ref 14-01, Steven Campbell, and J.D. Campbell; Certificate of Compliance; Certificate of Service
50. 1-Sep-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
51. 11-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
52. 15-Sep-2015 CLNDR: CONFERENCE, Dept. C - Oct. 13, 2015, 10-13-15. (vacated per order filed on 9/24/15 - rsl)
53. 17-Sep-2015 FILED: Brief of Amicus Curiae of the League of Arizona Cities and Towns (filed with written consent of all parties); Certificate of Compliance; Certificate of Service
54. 24-Sep-2015 ORDERED: (Court has selected this appeal for assignment to Settlement Conference Program) vacating conference currently set for 10/13/15. FURTHER ORDERED: Staying appeal until further order. Melina Brill ProTem Judge - Author
55. 29-Sep-2015 ORDERED: (Court will hold an in-person settlement conference) on 10/26/15 at 9:30 am at AZ Courts Building. FURTHER ORDERED: Participants shall have full authority to negotiate and settle case on any agreed-upon terms at conference. FURTHER ORDERED: Each separately represented party shall submit a settlement conference statement to settlementprogram@appeals.az.gov on/before 10/19/15. Hon Diane M Johnsen - Author
56. 2-Oct-2015 FILED: Notice of Change of Address and Law Firm; Certificate of Service (Appellants/Cross Appellees Melcor/Nelson)
57. 17-Nov-2015 ORDERED: Revesting jurisdiction of this matter in Maricopa Superior Court to consider a joint motion for approval of a proposed settlement agreement. FURTHER ORDERED: W/in 10 days after superior court rules on such motion, parties shall file a notice w/ this court w/ ruling attached. FURTHER ORDERED: Directing parties to file a status report concerning status of proposed settlement agreement on/before 1/16/16. FURTHER ORDERED: Continuing stay of appeal pending further order of court. Hon Diane M Johnsen - Author
58. 19-Jan-2016 FILED: Joint Status Report; Certificate of Service of Joint Status Report (Appellee)
59. 20-Jan-2016 ORDERED: Joint Status Report; (Appellee) = if no motion to dismiss appeal is filed by 2/29/16, parties shall apprise court by date of status in superior court of motion for approval of settlement agreement. Hon Diane M Johnsen - Author
60. 29-Feb-2016 FILED: Joint Status Report; Certificate of Service (Appellee)
61. 2-Mar-2016 ORDERED: Joint Status Report (Appellee) = continuing stay of this appeal until 4/18/16. FURTEHR ORDERED: If no motion to dismiss appeal is filed by 4/18/16, parties shall apprise court by date of status of their progress toward fulfilling covenants and conditions of their settlement agreement. Hon Diane M Johnsen - Author
62. 15-Apr-2016 FILED: Joint Status Report; Certificate of Service-Joint Status Report (Appellant)
63. 26-Apr-2016 ORDERED: Joint Status Report; (Appellant) = GRANTED and continuing date by which a motion to dismiss shall be filed to 8/23/16. FURTHER ORDERED: If no motion to dismiss is filed by 8/23/16, parties shall file a joint status report by that date apprising court of their progress in fulfilling terms and conditions of their settlement. Hon Diane M Johnsen - Author
64. 23-May-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Order Nunc Pro Tunc filed 3/7/16 re: ME order entered 2/12/16 is corrected to strike "deceased" in reference to S. Campbell and to state that Plaintiff JD Campbell is deceased.)
65. 23-Aug-2016 FILED: Joint Status Report; Certificate of Service (Appellant)
66. 15-Sep-2016 FILED: Notice of Substitution of Counsel; Certificate of Service of Notice of Substitution of Counsel (Appellees City of Peoria)
67. 15-Sep-2016 ORDERED: continuing date by which a motion to dismiss shall be filed to 01/31/2017. FURTHER ORDERED: if no motion to dismiss is filed by 01/31/2017, parties shall file a joint status report by that date apprising court of their progress in fulfilling terms and conditions of their settlement. Hon Diane M Johnsen - Author