

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0390

PLEA et al. v. DUPUY et al.

Appellate Case Information

Case Filed: 18-Jun-2015

Case Closed:

Dept/Composition

Department A

Hon. Kenton D Jones
Hon. Donn Kessler
Hon. Kent E Cattani

Side 1. PHOENIX LAW ENFORCEMENT ASSOCIATION, an Arizona non-profit corporation; BARRY JACOBS, EARLE AKRE, and ROBERT RAMSEY, and RICK FLUM, THERESA CLARK, NICHOLAS ROSANDER, CHARLES CONSOLIAN, RANDOLPH PALMER, SCOTT MCCAULEY, RODRIGO HERNANDEZ, NATALIE SIMONICK, JANINA AUSTIN, individually and on behalf of themselves and as representatives for similarly situated class members, Plaintiff/Appellee

(Litigant Group) PLEA et al.

- Phoenix Law Enforcement Association
- Barry Jacobs
- Earle Akre
- Robert Ramsey
- Rick Flum

Attorneys for: Plaintiffs/Appellees PLEA et al.

Michael Napier, Esq. (AZ Bar No. 2603)
Eric R Wilson, Esq. (AZ Bar No. 30053)
Cassidy L Bacon, Esq. (AZ Bar No. 31361)

(Litigant Group) THERESA CLARK et al.

- Theresa Clark
- Nicholas Rosander
- Charles Consolian
- Randolph Palmer
- Scott McCauley
- Rodrigo Hernandez
- Natalie Simonick
- Janina Austin

Attorneys for: Plaintiffs/Appellees Clark et al.

Caroline A Pilch, Esq. (AZ Bar No. 11041)
Robert E Yen, Esq. (AZ Bar No. 7236)
Michael Pang, Esq. (AZ Bar No. 30037)

Side 2. CITY OF PHOENIX, a body politic, Defendant/Appellee

(Litigant Group) CITY OF PHOENIX

- City of Phoenix

Attorneys for: Defendant/Appellee City of Phoenix

John Alan Doran, Esq. (AZ Bar No. 12112)
Lori Wright Keffer, Esq. (AZ Bar No. 28144)
Matthew A Hesketh, Esq. (AZ Bar No. 29319)

Side 3. MICHAEL DUPUY and JIM JOCHIM, Intervenor/Appellant

(Litigant Group) MICHAEL DUPUY and JIM JOCHIM

- Michael Dupuy
- Jim Jochim

Attorneys for: Intervenors/Appellants

Jonathan Matthew Riches, Esq. (AZ Bar No. 25712)

CASE STATUS

Jan 10, 2017....Pending Closure

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2014-008711					
MAR CV2014-009114	Declaratory Judgment and Injunctive Relief		Robert H Oberbillig, Authoring Judge of Order		

DESCENDENT CASE (S)

ASC CV-16-0208-PR

OPEN DUE DATE

Stay Request (re: Writ of Certiorari) due

Due By: Wednesday, January 25, 2017

Re: Minute Letter of ASC: Petition for Review DENIED

Court of Appeals, Division One

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PENDING MATTER

General Motion

Filed: 26-Jan-2017

Plaintiffs/Appellees Theresa Clark Et al.'s Motion for Reconsideration of Court's Denial of Attorneys' Fees; Certificate of Service (Appellee)

CASE DECISION

26-Jul-2016 ORDER

ORDERED: dismissing appeal for lack of jurisdiction.
FURTHER ORDERED: vacating conference and oral argument scheduled for 09/13/2016.

Filed: **26-Jul-2016**

Mandate:

Decision Disposition

Dismissed

Donn Kessler.....Author

35 PROCEEDING ENTRIES

1. 18-Jun-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/21/15
2. 18-Jun-2015 FILED: e-Record on Appeal (CV2014-009114):
Instruments/Minute Entries
Exhibits - not sent at this time
3. 18-Jun-2015 FILED: e-Record on Appeal (CV2014-008711):
Instruments/Minute Entries
4. 22-Jun-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
5. 29-Jun-2015 FILED: Reporter's Transcript - 7/16/2014 - Temporary Restraining Order (Court Reporter, Michele Kaley) (Appellant)
6. 2-Jul-2015 RECEIPT No.: 2015-00913 ; \$280.00, Authorization: 82022120167, Applied to: MICHAEL DUPUY and JIM JOCHIM - Class A Filing Fee (\$280.00) Paid for: Goldwater Institute - By Integrated Resource Systems IN
7. 13-Jul-2015 FILED: Appellee's Notice re: Appellees PLEA and Clarks Fee Due/ No Fee Due From City of Phoenix/Appellant's Brief Due
8. 13-Jul-2015 RECEIPT No.: 2015-00961 ; \$140.00, Check Number: #13387, Applied to: THERESA CLARK et al. - Class B Filing Fee (\$140.00) Paid for: - By Yen Pilch & Landeen PC
9. 13-Jul-2015 FILED: Case Management Statement; Final Order on Motions for Partial Summary Judgment and Certification Under Rule 54(B) (Appellant)
10. 14-Jul-2015 RECEIPT No.: 2015-00962 ; \$140.00, Check Number: #24378, Applied to: PLEA et al. - Class B Filing Fee (\$140.00) Paid for: Plea et al. - By Napier Coury & Baillie PC
11. 21-Aug-2015 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service
12. 24-Sep-2015 FILED: Plaintiffs/Appellees, Theresa Clark, et al., and Phoenix Law Enforcement Association, et al., Joint Motion for Procedural Order to Extend Time for Filing Answering Brief; Certificate of Service (Appellee)
13. 25-Sep-2015 ORDERED: Plaintiffs/Appellees, Theresa Clark, et al., and Phoenix Law Enforcement Association, et al., Joint Motion for Procedural Order to Extend Time for Filing Answering Brief (Appellee) = GRANTED (all answering briefs). Due date EXTENDED from Monday, 10-05-2015 to Wednesday, 10-14-2015 Melina Brill ProTem Judge - Author
14. 14-Oct-2015 FILED: Answering Brief of Plaintiffs/Appellees Theresa Clark, et al.; Certificate of Compliance; Certificate of Service
15. 14-Oct-2015 FILED: Appellees Phoenix Law Enforcement Association, Barry Jacobs, Earle Akre, Robert Ramsey, and Rick Flum's Answering Brief; Appellees Phoenix Law Enforcement Association, Barry Jacobs, Earle Akre, Robert Ramsey, and Rick Flum's Certificate of Compliance (sic); Appellees Phoenix Law Enforcement Association, Barry Jacobs, Earle Akre, Robert Ramsey, and Rick Flum's Certificate of Compliance (sic) (Certificate of Service)
16. 19-Oct-2015 RECEIPT No.: 2015-01450 ; \$140.00, Authorization: Ref1:92010625836, Applied to: PLEA et al. - Overpayment Class B (\$140.00) Paid for: Napier Coury & Baillie PC - By Intresys Inc (Memo: Overpmt ref#2015-00962 Refund needed)
17. 3-Nov-2015 FILED: Appellants' Consolidated Reply to Appellees' Answering Briefs; Certificate of Compliance; Certificate of Service (Appellant)

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35 PROCEEDING ENTRIES

18. 9-Nov-2015 FILED: Letter, 11/9/15, from Court to Napier Coury & Baillie PC re: Refund of monies submitted in error
19. 16-Nov-2015 FILED: Intervenor/Appellants' Request for Oral Argument; Certificate of Service (Appellant)
20. 4-Dec-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21. 8-Dec-2015 ORDERED: Intervenor/Appellants' Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
22. 14-Dec-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
23. 14-Dec-2015 FILED: Additional Record on Appeal:
Exhibits: HD 7/16/14 - List and # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 in white box.
24. 14-Jan-2016 FILED: Notice of Withdrawal of Counsel; Certificate of Service (Appellant)
25. 7-Jul-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 9-13-16, 10:45 am, COURTROOM 2.
26. 14-Jul-2016 FILED: Memorandum: Judge Cattani for Judge Howe (Chief Judge Brown)
27. 26-Jul-2016 ORDERED: dismissing appeal for lack of jurisdiction. FURTHER ORDERED: vacating conference and oral argument scheduled for 09/13/2016. Hon Donn Kessler - Author
28. 8-Aug-2016 FILED: Plaintiffs/Appellees Theresa Clark Et al.'s Verified Statement of Attorneys' Fees and Costs; Certificate of Service; Affidavit of Caroline A. Pilch In Support of Plaintiffs/Appellees Theresa Clark Et al.'s Verified Statement of Attorneys' Fees and Costs (Appellee Clark)
29. 19-Aug-2016 FILED: Motion to Strike and Objection to Plaintiffs/Appellees Theresa Clark Et Al.'s Verified Statement of Attorneys' Fees and Costs; Certificate of Service (Appellant)
30. 26-Aug-2016 FILED: Plaintiffs/Appellees Theresa Clark Et al.'s Reply to Intervenor/Appellants' Objection to Clark's Verified Statement of Attorneys' Fees and Costs; Certificate of Service (Appellee)
31. 26-Aug-2016 FILED: Email Notice from ASC re: Petition for Review filed 8/25/16; request for partial record
32. 30-Aug-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
33. 10-Jan-2017 FILED: Letter from ASC, 01/10/2017, re: Petition for Review DENIED on 01/10/2017
34. 12-Jan-2017 ORDERED: treating Clark's Verified Statement of Attorneys' Fees and Costs as a motion for reconsideration and granting such motion to address the merits of her request. FURTHER ORDERED: denying Clark's request for attorneys' fees on appeal. FURTHER ORDERED: granting Clark \$146 in taxable costs on appeal. Hon Donn Kessler - Author
35. 26-Jan-2017 FILED: Plaintiffs/Appellees Theresa Clark Et al.'s Motion for Reconsideration of Court's Denial of Attorneys' Fees; Certificate of Service (Appellee)