Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0482 TEMPE v. TEMPE FLOUR MILL

Appellate Case Information

Case Filed: 22-Jul-2015

Case Closed:

Dept/Composition

Department A

Hon. Kenton D Jones
Hon. Randall M Howe
Hon. Donn Kessler

Side 1. CITY OF TEMPE, a municipal corporation, Plaintiff/Appellee

(Litigant Group) CITY OF TEMPE

- **City of Tempe**

Co-Counsel for: Plaintiff/Appellee

Judith R Baumann, Esq. (AZ Bar No. 15012)
Charles L Cahoy, Esq. (AZ Bar No. 10801)
Gary L Birnbaum, Esq. (AZ Bar No. 4386)
Anne L Tiffen, Esq. (AZ Bar No. 6987)

Side 2. TEMPE FLOUR MILL, LLC, an Arizona limited liability corporation; and TEMPE FLOUR MILL INVESTMENTS, LLC, an Arizona limited liability corporation, Defendant/Appellant

(Litigant Group) TEMPE FLOUR MILL et al.

- **Tempe Flour Mill LLC**
- **Tempe Flour Mill Investments LLC**

Attorneys for: Defendants/Appellants

Martin A Aronson, Esq. (AZ Bar No. 9005)
Jeffrey D Gross, Esq. (AZ Bar No. 11510)

CASE STATUS

Jan 31, 2017....Decision Rendered

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2013-014770	Declaratory Relief		David O Cunanan, Authoring Judge of Order		

2 OPEN DUE DATES

Motion for Reconsideration due **Due By:** Wednesday, February 15, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Kenton D Jones - Concur; Hon Donn Kessler - Concur

Petition for Review to ASC due **Due By:** Thursday, March 2, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Kenton D Jones - Concur; Hon Donn Kessler - Concur

CASE DECISION

31-Jan-2017 MEMORANDUM DECISION

Randall Howe.....Author
Kenton Jones.....Concur
Donn Kessler.....Concur

Filed: **31-Jan-2017** Mandate:

Decision Disposition
Affirmed

29 PROCEEDING ENTRIES

1.	22-Jul-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/23/15
2.	22-Jul-2015	FILED: e-Record on Appeal: Instruments/Minute Entries
3.	28-Jul-2015	FILED: Notice to Parties re: Appellants Fee/Case Management Statement/Brief Due
4.	30-Jul-2015	FILED: Notice of Paying Filing Fee; Certificate of Service (Appellant)
5.	30-Jul-2015	FILED: Notice of Filing Transcripts; Certificate of Service; Exhibit A - Reporter's Transcript of Proceedings 8/6/14 (Debra Price); Exhibit B - Reporter's Transcript of Proceedings 8/19/14 (Norma L Catoe); Exhibit C - Reporter's Transcript of Proceedings 4/1/15 (Jeanne Oliva) (Appellant)

Information presented in this document may not reflect all case activity and is subject to change without notice.

29 PROCEEDING ENTRIES

6.	5-Aug-2015	RECEIPT No.: 2015-01083 ; $280.00, Authorization: #16022305624, Applied to: TEMPE FLOUR MILL et al. - Class A Filing Fee ($280.00) Paid for: Morrill & Aronson PLC - By Integrated Resource Systems IN
7.	11-Aug-2015	FILED: Appellee's Notice re: No Appellee's Fee Due/Appellant's Brief Due
8.	17-Aug-2015	FILED: Case Management Statement; Final Judgment filed 6/11/15 (Appellant)
9.	25-Sep-2015	FILED: Request for Oral Argument; Certificate of Service (Appellant)
10.	25-Sep-2015	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service
11.	19-Oct-2015	FILED: Motion for Procedural Order to Extend Time to File Answering Brief; Certificate of Service (Appellee)
12.	20-Oct-2015	ORDERED: Motion for Procedural Order to Extend Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 11-09-2015 to Wednesday, 12-09-2015. Melina Brill ProTem Judge - Author
13.	9-Nov-2015	FILED: Notice of Change of Address; Certificate of Service (Appellant)
14.	9-Dec-2015	FILED: Answering Brief of Appellee City of Tempe; Certificate of Compliance; Certificate of Service
15.	21-Dec-2015	FILED: Motion for Procedural Order to Extend Time to File Reply Brief; Certificate of Service (Appellant)
16.	22-Dec-2015	ORDERED: Motion for Procedural Order to Extend Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 01-04-2016 to Tuesday, 01-19-2016. Melina Brill ProTem Judge - Author
17.	19-Jan-2016	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service
18.	21-Jan-2016	FILED: Request for Oral Argument; Certificate of Service (Appellee)
19.	4-Feb-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
20.	9-Feb-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
21.	17-Feb-2016	ORDERED: Request for Oral Argument (Appellant) and Request for Oral Argument (Appellee) = GRANTED. Hon Michael J Brown - Author
22.	29-Aug-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 10-11-16, 10:00 am, COURTROOM 2.
23.	31-Aug-2016	FILED: Notice of Substitution of Counsel; Certificate of Service (Appellants)
24.	6-Sep-2016	FILED: Notice of Oral Argument
25.	14-Sep-2016	FILED: Receipt for Notice of Oral Argument, signed by Gary L Birnbaum on 09/06/2016 (Appellee)
26.	16-Sep-2016	FILED: Receipt for Notice of Oral Argument, signed by Martin Aronson on 09/08/2016 (Appellants)
27.	11-Oct-2016	FILED: Sign-in Sheet/Case is Under Advisement as of 10/11/2016 (Dept A)
28.	31-Jan-2017	MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Kenton D Jones - Concur; Hon Donn Kessler - Concu
29.	31-Jan-2017	FILED: Memorandum Decision Distribution List

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