Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0690 USA v. VERDE DITCH et al.

Appellate Case Information

Case Filed: 16-Oct-2015

Case Closed:

Dept/Composition

Department C

Hon. Peter B Swann
Hon. Kent E Cattani
Hon. Donn Kessler

Side 1. UNITED STATES OF AMERICA, Appellant

(Litigant Group) UNITED STATES OF AMERICA

- **United States of America**

Attorneys for: Appellant
John L Smeltzer, Esq. (DC Bar No. 434585)
F Patrick Barry, Esq. (AZ Bar No. 6056)

Side 2. VERDE DITCH COMPANY; SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT and SALT RIVER VALLEY USERS' ASSOCIATION; ARIZONA DEPARTMENT OF WATER RESOURCES; MONROE LANE NEIGHBORHOOD COALITION; YAVAPAI-APACHE NATION; ARIZONA STATE PARKS; PETER J. MOLLICK; BRADFORD C. GORDON; KAREN PHILLIPS; DON FERGUSON; LEROY MILLER, Appellee

(Litigant Group) VERDE DITCH COMPANY

- **Verde Ditch Company**

Attorneys for: Appellee VDC
L Richard Mabery, Esq. (AZ Bar No. 5188)

(Litigant Group) SRP/SALT RIVER VALLEY WATER USERS ASSOC.

- **Salt River Project Agricultural Improvement & Power District**
- **Salt River Valley Water Users Association**

Attorneys for: Appellees Salt River
John B Weldon, Jr, Esq. (AZ Bar No. 3701)
Mark A McGinnis, Esq. (AZ Bar No. 13958)
R Jeffery Heilman, Esq. (AZ Bar No. 29525)

(Litigant Group) AZ DEPT OF WATER RESOURCES

- **Arizona Department of Water Resources**

Attorneys for: Appellee AZ Dept of Water Resources
Janet L Miller, Esq. (AZ Bar No. 11963)
Nicole D Klobas, Esq. (AZ Bar No. 21350)
Kenneth C Slowinski, Esq. (AZ Bar No. 12357)

(Litigant Group) MONROE LANE NEIGHBORHOOD COALITION

- **Monroe Lane Neighborhood Coalition**

Attorneys for: Appellee Monroe Lane
Douglas E Brown, Esq. (AZ Bar No. 10791)
David Albert Brown, Esq. (AZ Bar No. 6827)
J Albert Brown, Esq. (AZ Bar No. 30918)

(Litigant Group) YAVAPAI-APACHE NATION

- **Yavapai-Apache Nation**

Attorneys for: Appellee Yavapai-Apache Nation
Robyn L Interpreter, Esq. (AZ Bar No. 20864)
Susan B Montgomery, Esq. (AZ Bar No. 20595)

(Litigant Group) ARIZONA STATE PARKS

- **Arizona State Parks Board**

Attorneys for: Appellee AZ State Parks
Carrie Jane Brennan, Esq. (AZ Bar No. 18250)
Theresa M Craig, Esq. (AZ Bar No. 10585)

(Litigant Group) PETER J. MOLLICK

- **Peter J Mollick** PRO SE

(Litigant Group) BRADFORD C GORDON

- **Bradford C Gordon** PRO SE

(Litigant Group) KAREN PHILLIPS

- **Karen Phillips** PRO SE

(Litigant Group) DON FERGUSON

- **Don Ferguson** PRO SE

(Litigant Group) LEROY MILLER

- **Leroy Miller** PRO SE

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Court of Appeals, Division One

Civil Appeal

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CASE STATUS

Dec 30, 2016....Assigned

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV	P1300CV4772	Petition for Approval of a Memorandum of Understanding and Authroity for the Verde Dtich Commissioners to Proceed		David L Mackey, Authoring Judge of Order		

CALENDAR

Wednesday	MONTHLY COURT CASE CALENDAR
8-Feb-2017	**Department C; COURTROOM 1**
	11:00 AM

64 PROCEEDING ENTRIES

1.	16-Oct-2015	FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 09/23/15
2.	16-Oct-2015	FILED: e-Record on Appeal: Instruments/Minute Entries e-Exhibits: 11/5/90 - 1 PL Y, 2 PL Y, 3 PL Y, 4 PL Y, 5 PL Y, 6 DE Y, 7 DE Y; 1/17/01 - 1 PL Y, 2 PL Y, 3 PL Y, 4 PL Y, 5 PL Y, 6 DE Y; 12/14/07 - 1 RE Y, 2 RE Y; 1/11/08 - 3 RE Y, 4 RE Y; 12/14/07 - 5 RE Y, 6 RE Y, 7 RE Y; 1/11/08 - 8 RE Y, 9 RE Y, 10 RE Y, 11 RE Y, 12 RE Y, 13 RE Y, 14 RE Y; 12/14/07 - 15 RE Y; 1/11/08 - 16 PL Y, 17 PL Y, 18 PL Y, 19 PL Y; 12/14/07 - 20 PL Y; 4/26/11 - 1 PL Y, 3 PL Y, 4 PL Y, 7 PL Y; 1/15/14 - 8 P Y; 9 P Y; Reporter's Transcript - 3/5/15 (Lisa A Chaney); Reporter's Transcript - 4/8/15 (M Lisa Edgar); Reporter's Transcript - 5/15/15 (Lisa A Chaney)
3.	21-Oct-2015	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4.	21-Oct-2015	FILED: AMENDED Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
5.	28-Oct-2015	FILED: Notice of Filing and Service of Transcripts (Appellant)
6.	2-Nov-2015	RECEIPT No.: 2015-01524 ; $280.00, Authorization: Ref106008311532, Applied to: UNITED STATES OF AMERICA - Class A Filing Fee ($280.00) Paid for: John McDevitt - By Intresys Inc
7.	5-Nov-2015	FILED: Notice of Filing and Service of Transcript; Reporter's Transcript of Proceedings 8/21/15 (M. Lisa Edgar) (Appellant)
8.	6-Nov-2015	FILED: Appellee's Notice re: Appellees Fees Due/Appellant's Brief Due
9.	6-Nov-2015	FILED: Appellee's Notice of Paying Appellee Filing Fee; Certificate of Service (Appellee Salt River Valley Users, et al.)
10.	9-Nov-2015	RECEIPT No.: 2015-01564 ; $140.00, Check Number: 0601, Applied to: PETER J. MOLLICK - Class B Filing Fee ($140.00) Paid for: PETER J. MOLLICK - By PETER J. MOLLICK
11.	9-Nov-2015	FILED: Case Management Statement (Appellant)
12.	9-Nov-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Reporter's Transcript – 08/21/205 - (M. Lisa Edgar))
13.	12-Nov-2015	RECEIPT No.: 2015-01576 ; $140.00, Authorization: 16004218507, Applied to: SALT RIVER PROJECT/SALT RIVER VALLEY WATER USERS A - Class B Filing Fee ($140.00) Paid for: Salmon Lewis & Weldon PLC - By Integrated Resource Systems IN
14.	13-Nov-2015	FILED: Appellee's Notice of Paying Appellee Filing Fee; Certificate of Service (Appellee Yavapai-Apache Nation)
15.	17-Nov-2015	RECEIPT No.: 2015-01606 ; $140.00, Authorization: #20025776552, Applied to: YAVAPAI-APACHE NATION - Class B Filing Fee ($140.00) Paid for: Montgomery & Interpreter PLC - By Integrated Resource Systems IN
16.	17-Nov-2015	FILED: Appellee Verde Ditch Company's Notice of Paying Appellee Filing Fee; Certificate of Service
17.	19-Nov-2015	FILED: Courtesy Copy of Appellee's Notice of Paying Appellee Filing Fee (Appellee Mollick)
18.	20-Nov-2015	FILED: Appellee,s (sic) Notice of Paying Appellee Filing Fee (Appellee Bradford C Gordon, Pro Per)
19.	20-Nov-2015	RECEIPT No.: 2015-01628 ; $140.00, Check Number: 4669, Applied to: BRADFORD C GORDON - Class B Filing Fee ($140.00) Paid for: BRADFORD C GORDON - By BRADFORD C GORDON

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64 PROCEEDING ENTRIES

20.	23-Nov-2015	FILED: Letter, 11/23/15, to Court from Appellee's Counsel re: submission of filing fee (Appellee Monroe Lane)
21.	23-Nov-2015	RECEIPT No.: 2015-01632 ; $140.00, Authorization: 27008135748, Applied to: VERDE DITCH COMPANY - Class B Filing Fee ($140.00) Paid for: L Richard Mabery - By Integrated Resource Systems IN
22.	27-Nov-2015	RECEIPT No.: 2015-01656 ; $140.00, Authorization: #31005326572, Applied to: MONROE LANE NEIGHBORHOOD COALITION - Class B Filing Fee ($140.00) Paid for: Brown & Brown Law Offices PC - By Integrated Resource Systems IN
23.	4-Dec-2015	FILED: Unopposed Motion by the United States for Extension of Time for Filing Opening Brief as Appellant; Certificate of Service (Appellant)
24.	7-Dec-2015	ORDERED: Unopposed Motion by the United States for Extension of Time for Filing Opening Brief as Appellant (Appellant) = GRANTED. Due date EXTENDED from Monday, 12-21-2015 to Wednesday, 01-20-2016. Melina Brill ProTem Judge - Author
25.	18-Dec-2015	FILED: Motion to Associate Counsel Pro Hac Vice; Certificate of Service; Verified Application, Certificates, & Notice; Proposed Order (Appellant)
26.	19-Jan-2016	ORDERED: Motion to Associate Counsel Pro Hac Vice; Verified Application (Appellant) = GRANTED and permitting attorney John L Smeltzer of United States Department of Justice to appear pro hac vice as co-counsel for appellant w/ Patrick Barry of United States Department of Justice as local counsel. Barbara Vidal Vaught ProTem Judge - Author
27.	20-Jan-2016	FILED: Opening Brief for the United States as Appellant; Certificate of Compliance; Certificate of Service
28.	20-Jan-2016	FILED: Appendix to the Opening Brief for the United States as Appellant
29.	20-Jan-2016	FILED: Notice of Receipt of Complete Application (Pro Hac Vice); Certificates of Good Standing (Pro Hac Vice); Verified Application to the State Bar of Arizona (Pro Hac Vice) (Appellant)
30.	26-Jan-2016	FILED: Proposed Appellant - Intervenor Motion to Intervene and Memorandum of Points and Authorities in Support of Motion to Intervene; Certificate of Service (Intervenor)
31.	29-Jan-2016	FILED: Courtesy copy of Proposed Appellant - Intervenor Motion to Intervene and Memorandum of Points and Authorities in Support of Motion to Intervene (Intervenor)
32.	10-Feb-2016	FILED: Change of Address; Certificate of Service (Appellee)
33.	16-Feb-2016	FILED: Salt River Project's Response in Opposition to Motion to Intervene by Peter J. Mollick; Certificate of Service (Appellee)
34.	16-Feb-2016	FILED: Appellee Verde Ditch Company's Response to Motion to Intervene by Peter J. Mollick; Certificate of Service (Appellee)
35.	17-Feb-2016	FILED: Appellee Verde Ditch Company's Notice And Confirmation Of Correct E-mail Address; Certificate of Service (Appellee Verde Ditch)
36.	17-Feb-2016	FILED: Notice of Email Corrections; Certificate of Service (Appellee Mollick)
37.	17-Feb-2016	FILED: Peter J. Mollick's Reply Memorandum to Appellee Verde Ditch Company's Response to Motion to Intervene; Certificate of Service (Appellee)
38.	17-Feb-2016	FILED: Peter J. Mollick's Reply Memorandum to Applellee (sic) Salt River Project's Ressponse to Motion to Intervene; Certificate of Service (Appellee)
39.	26-Feb-2016	FILED: Peter J. Mollick's Reply Memorandum to Appellee Salt River Project's Response to Motion to Intervene (Appellee Pro Per)
40.	29-Feb-2016	FILED: Notice that Yavapai-Apache Nation Will Not Be Filing A Response Brief to the United States' Opening Brief; Certificate of Service (Appellee)
41.	7-Mar-2016	FILED: Salt River Project's Request for Oral Argument; Certificate of Service (Appellee)
42.	7-Mar-2016	FILED: Arizona Department of Water Resources' Notice re Answering Brief; Certificate of Service (Appellee)
43.	7-Mar-2016	FILED: Answering Brief of Salt River Project; Certificate of Compliance; Certificate of Service (Appellee)
44.	7-Mar-2016	FILED: Answering Brief of Appellee Verde Ditch Company; Certificate of Compliance; Certificate of Service
45.	9-Mar-2016	ORDERED: Proposed Appellant - Intervenor Motion to Intervene and Memorandum of Points and Authorities in Support of Motion to Intervene (Intervenor) = DENIED. Hon Kent E Cattani Judge - Author

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64 PROCEEDING ENTRIES

46.	22-Mar-2016	FILED: Unopposed Motion by the United States for Extension of Time for Filing Reply Brief as Appellant; Certificate of Service (Appellant)
47.	22-Mar-2016	FILED: Notice of Receipt of Completed Application for Appearance Pro Hac Vice; Certificate of Good Standing; Verified Application for Appearance Pro Hac Vice (Appellant)
48.	23-Mar-2016	ORDERED: Unopposed Motion by the United States for Extension of Time for Filing Reply Brief as Appellant (Appellant) = GRANTED. Due date EXTENDED from Monday, 04-04-2016 to Monday, 04-18-2016. Barbara Vidal Vaught ProTem Judge - Author
49.	18-Apr-2016	FILED: Reply Brief and Supplemental Appendix for United States as Appellant; Certificate of Compliance; Certificate of Service
50.	18-Apr-2016	FILED: Notice of Receipt of Complete Application Pro Hac Vice; Certificate of Good Standing; Verified Application to the State Bar of Arizona (Pro Hac Vice) (Appellant)
51.	19-Apr-2016	FILED: Notice of Receipt of Compete Application (Pro Hac Vice); Certificates of Good Standing; Verified Application to the State Bar of Arizona (Pro Hac Vice) (Appellant)
52.	19-Apr-2016	FILED: Appellant United States' Request for Oral Argument; Certificate of Service (Appellant)
53.	11-May-2016	ORDERED: Salt River Project's Request for Oral Argument (Appellee) and Appellant United States' Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
54.	16-Jun-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Reporter's Transcript - 05/24/2016 - Hearing (Lisa A Chaney))
55.	22-Jun-2016	FILED: Arizona Department of Water Resources' Notice of Change of Address; Certificate of Service (Appellee Water Resources)
56.	19-Jul-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
57.	20-Sep-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
58.	30-Dec-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 2-8-17, 11:00 am, COURTROOM 1.
59.	6-Jan-2017	FILED: Notice of Oral Argument
60.	10-Jan-2017	FILED: Receipt for Notice of Oral Argument, signed by Mark A McGinnis on 01/06/2017
61.	11-Jan-2017	FILED: Receipt for Notice of Oral Argument, signed by L Richard Mabery on 01/06/2017 (Appellee VDC)
62.	12-Jan-2017	FILED: Receipt for Notice of Oral Argument, signed by Mark A McGinnis on 01/06/2017; Certificate of Service (Appellee Salt River)
63.	17-Jan-2017	FILED: Receipt for Notice of Oral Argument, signed by Carrie J Brennan on 01/10/2017; State of Arizona's Certificate of Service (Appellee AZ State Parks)
64.	18-Jan-2017	FILED: Receipt for Notice of Oral Argument, signed by Robyn L Interpreter/Susan B Montgomery on 01/06/2017; Certificate of Service (Appellee Yavapai-Apache Nation)

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