Court of Appeals, Division One

Civil Appeal

1 CA-CV 16-0075 KLINGL et al. v HIDDEN VALLEY et al.

Appellate Case Information

Case Filed: 12-Feb-2016

Case Closed:

Dept/Composition

Department B

Hon. Randall M Howe
Hon. Lawrence F Winthrop
Hon. Jon W Thompson

Consolidated with: 1 CA-CV 14-0780 1 CA-CV 15-0212

Side 1. GARY KLINGL, as beneficiary of Sterling Trust Co. FBO Gary Frank Klingl; GERALD L. DEETZ and CAROL A. DEETZ, husband and wife, as a marital community; ROBERT ENGELSTAD and DOLORES ANN ENGELSTAD, husband and wife, as trustees of the Robert & Dolores Ann Engelstad Revocable Trust; PATRICK E. GALLAGHER and MARILYNN A. GALLAGHER, husband and wife, as trustees of the First Amended & Restated Patrick E. Gallagher Revocable Trust Agreement and the First Amended & Restated Marilynn A. Gallagher Revocable Trust Agreement; and WINSTON C. LISTER and ROSIE LISTER, husband and wife, as trustees for the Lister Family Revocable Trust , Appellee

(Litigant Group) GARY F KLINGL et al.

- **Gary F Klingl**
- **Gerald L Deetz**
- **Carol A Deetz**
- **Robert C Engelstad**
- **Dolores Ann Engelstad**
- **Patrick E Gallagher**
- **Marilynn A Gallagher**
- **Winston C Lister**
- **Rosie Lister**

Attorneys for: Claimants/Appellee

Paul J Roshka, Jr, Esq. (AZ Bar No. 9285)

Craig M Waugh, Esq. (AZ Bar No. 26524)

Side 2. HIDDEN VALLEY RANCH I, LLC, an Arizona limited liability company; HIDDEN VALLEY RANCH II, LLC, an Arizona limited liability company; PHOENIX-TUCSON RANCH, LLC, an Arizona limited liability company; and PRIME EARTH DEVELOPMENT COMPANY, LLC, an Arizona limited liability company, Respondent/Appellant

(Litigant Group) HIDDEN VALLEY RANCH I LLC et al.

- **Hidden Valley Ranch I LLC**
- **Hidden Valley Ranch II LLC**
- **Phoenix-Tucson Ranch LLC**
- **Prime Earth Development Company LLC**

Attorneys for: Respondents/Appellants

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CASE STATUS

Jan 19, 2017....Decision Rendered

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2015-003361	Confirmation of Arbitration Awards		David B Gass, Authoring Judge of Order		

2 OPEN DUE DATES

Motion for Reconsideration due **Due By:** Friday, February 3, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Lawrence F Winthrop - Author; Hon Randall M Howe - Concur; Hon Jon W Thompson - Concur

Petition for Review to ASC due **Due By:** Tuesday, February 21, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Lawrence F Winthrop - Author; Hon Randall M Howe - Concur; Hon Jon W Thompson - Concur

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

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CASE DECISION

19-Jan-2017 MEMORANDUM DECISION

Lawrence Winthrop.....Author
Randall Howe.....Concur
Jon Thompson.....Concur

Filed: **19-Jan-2017** Mandate:

Decision Disposition
Affirmed

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)	
1 CA-CV 14-0780	PHOENIX-TUCSON v. DEETZ et al.
1 CA-CV 15-0212	HIDDEN VALLEY v. ENGELSTAD et al.

25 PROCEEDING ENTRIES

1.	12-Feb-2016	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/15/16
2.	12-Feb-2016	FILED: e-Record on Appeal: Instruments/Minute Entries
3.	23-Feb-2016	FILED: Notice to Parties re: Appellants' Fee/Case Management Statement/Brief Due
4.	26-Feb-2016	ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: Granting appellant's motion and consolidating case no. 1 CA-CV 16-0075 with the previously-consolidated case nos. 1 CA-CV 14-0780 and 1 CA-CV 15-0212. FURTHER ORDERED: Striking the Opening Brief filed in 1 CA-CV 14-0780 on 2/9/15. FURTHER ORDERED: Appellants shall file an Opening Brief in the consolidated appeal on or before 4/25/16. FURTHER ORDERED: Directing the clerk of this court to place this consolidated appeal on the first available calendar once it is at issue. FURTHER ORDERED: granting appellant's motion to stay the document-disclosure portion of the final judgment entered in Maricopa County CV2015-003361 on 1/15/16. Hon Donn Kessler - Author
5.	29-Feb-2016	ORDERED: amending this court's order dated 2/26/16. FURTHER ORDERED: Striking opening brief filed in 1 CA-CV 14-0780 on 2/9/15 and opening brief filed in 1 CA-CV 15-0212 on 6/7/15. Barbara Vidal Vaught ProTem Judge - Author
6.	24-Mar-2016	FILED: Notice fo Filing of Transcript; Certificate of Service (Transcript of 7/25/15 Oral Argument attached to Notice) (Appellants)
7.	24-Mar-2016	FILED: Case Management Statement for Court of Appeals Case No. 1 CA-CV 16-0075 (Appellants)
8.	25-Apr-2016	FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service
9.	27-Apr-2016	FILED: Second Notice of Payment of Filing Fee; Certificate of Service (Appellant)
10.	27-Apr-2016	FILED: Appellants' Notice of Errata; Certificate of Service; Appellants' Opening Brief
11.	3-May-2016	RECEIPT No.: 2016-00516 ; $280.00, Authorization: #23019806705, Applied to: HIDDEN VALLEY RANCH I LLC et al. - Class A Filing Fee ($280.00) Paid for: Theobald Law PLC - By Integrated Resource Systems IN
12.	1-Jun-2016	FILED: Appellees' Answering Brief; Certificate of Compliance; Certificate of Service (Appellees)
13.	24-Jun-2016	FILED: Notice of Supplemental Authority; Certificate of Service (Appellees)
14.	27-Jun-2016	FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
15.	1-Aug-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
16.	1-Aug-2016	FILED: AMENDED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
17.	4-Aug-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
18.	10-Oct-2016	FILED: Motion for Accelerated Disposition; Certificate of Service
19.	31-Oct-2016	FILED: Notice of Change of Firm's Mailing Address; Certificate of Service (Appellant)
20.	31-Oct-2016	FILED: Appellants' Response to Motion for Accelerated Disposition; Certificate of Service (Appellant)

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25 PROCEEDING ENTRIES

21.	2-Nov-2016	FILED: Appellees' Response to Motion to Consolidate; Certificate of Service of Appellees' Response to Motion to Consolidate (Appellee)
22.	17-Nov-2016	ORDERED: Denying the Motion to Consolidate. FURTHER ORDERED: Denying Motion for Accelerated Disposition, but placing the appeal on the court's first available calendar. FURTHER ORDERED: Directing the clerk to schedule this appeal for consideration on the first available date on the court's regular calendar. Hon Diane M Johnsen - Author
23.	28-Nov-2016	CLNDR: CONFERENCE, Department B, 1-10-17, COURTROOM 2.
24.	19-Jan-2017	MEMORANDUM DECISION (Affirmed) Hon Lawrence F Winthrop - Author; Hon Randall M Howe - Concur; Hon Jon W Thompson - Concur
25.	19-Jan-2017	FILED: Memorandum Decision Distribution List

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