Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0282 SPRAGUE v. PHX BOARD et al.

Appellate Case Information

Case Filed: 1-May-2015

Case Closed:

Dept/Composition

Department D

Hon. Andrew W. Gould
Hon. Peter B Swann
Hon. Patricia A Orozco

Side 1. KATHERINE SPRAGUE, a taxpayer and an abutting property owner, Plaintiff/Appellant

(Litigant Group) KATHERINE SPRAGUE

- **Katherine Sprague** PRO SE

Side 2. CITY OF PHOENIX BOARD OF ADJUSTMENT; WALTER SPITZ; DAVID GEORGE; and DAN RAY, et al., Defendant/Appellee

(Litigant Group) CITY OF PHOENIX BOARD OF ADJUSTMENT

- **City of Phoenix Board of Adjustment**

Attorneys for: Defendant/Appellee
Brad Holm, Esq. (AZ Bar No. 11237)
Robert A Hyde, Esq. (AZ Bar No. 29337)
Paul M Li, Esq. (AZ Bar No. 21893)

(Litigant Group) WALTER SPITZ, et al.

- **Walter Spitz**
- **David George**
- **Dan Ray**
- **North 4140 LLC**
- **David C and Ellen G George Revocable Living Trust 2/28/04**
- **1930 EISR LLC**
- **1900 BUILDING LLLP**
- **North 19-25 LLC**
- **Chestnut Properties LLC**
- **Lisbeth Ray**

Attorneys for: Defendants/Appellees
David Cisiewski, Esq. (AZ Bar No. 22841)

Side 3. PBB-TRG ACQUISITION COMPANY, LLC, Intervenor/Appellee

(Litigant Group) PBB-TRG ACQUISITION COMPANY, LLC

- **PBB-TRG Acquisition Company LLC**

Attorneys for: Intervenor/Appellee
Martin A Aronson, Esq. (AZ Bar No. 9005)
Michael W Zimmerman, Esq. (AZ Bar No. 27442)

CASE STATUS

Dec 22, 2016....Decision Rendered

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	LC2014-000574-001	Statutory Special Action		John Christian Rea, Authoring Judge of Order		

OPEN DUE DATE

Petition for Review to ASC due **Due By:** Monday, January 23, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Peter B Swann - Author; Hon Andrew W Gould - Concur; Hon Patricia A Orozco - Concur

CASE DECISION

22-Dec-2016 MEMORANDUM DECISION

Peter Swann.....Author
Andrew Gould.....Concur
Patricia Orozco.....Concur

Filed: **22-Dec-2016** Mandate:

Decision Disposition
Affirmed

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

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0282 SPRAGUE v. PHX BOARD et al.

57 PROCEEDING ENTRIES

1.	1-May-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/03/15
2.	1-May-2015	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3.	7-May-2015	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4.	11-May-2015	RECEIPT No.: 2015-00622 ; $280.00, Authorization: #17-183820937, Applied to: KATHERINE SPRAGUE - Class A Filing Fee ($280.00) Paid for: - By KATHERINE SPRAGUE
5.	21-May-2015	FILED: Appellee's Notice re: Both Appellee's Fee/Appellant's Brief Due
6.	26-May-2015	FILED: Notice of Paying Filing Fee; Certificate of Service (Intervenor/Appellee PBB-TRG)
7.	27-May-2015	FILED: Case Management Statement (Appellant Pro Per)
8.	29-May-2015	RECEIPT No.: 2015-00745 ; $140.00, Authorization: #48013892247, Applied to: PBB-TRG ACQUISITION COMPANY, LLC - Class B Filing Fee ($140.00) Paid for: Morrill & Aronson PLC - By Integrated Resource Systems IN
9.	7-Jul-2015	FILED: Request for Oral Argument; Certificate of Service (Appellant)
10.	7-Jul-2015	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service
11.	13-Jul-2015	RECEIPT No.: 2015-00952 ; $280.00, Authorization: Ref1#94010163500, Applied to: KATHERINE SPRAGUE - Overpayment Class A ($280.00) Paid for: KATHERINE SPRAGUE - By Intresys Inc (Memo: Duplicate over payments see recpt #2015-00622 refund needed)
12.	23-Jul-2015	FILED: Letter, 07/23/15, from Court to Appellant, refunding duplicate Appellant Filing Fee
13.	27-Jul-2015	FILED: Appellant's Motion to Accept Opening Brief as Timely Filed (Appellant Pro Per)
14.	28-Jul-2015	ORDERED: Appellant's Motion to Accept Opening Brief as Timely Filed (Appellant Pro Per) = GRANTED and accepting brief as filed on 7/7/15. Melina Brill ProTem Judge - Author
15.	13-Aug-2015	FILED: Motion For Extension of Time to File Answering Brief (Motion for Procedural Order) (PBB-TRG); Certificate of Service (Appellee)
16.	17-Aug-2015	ORDERED: Motion For Extension of Time to File Answering Brief (Motion for Procedural Order) (PBB-TRG) (Appellee) = GRANTED (all answering briefs). Due date EXTENDED from Monday, 08-24-2015 to Wednesday, 09-23-2015 Melina Brill ProTem Judge - Author
17.	4-Sep-2015	FILED: Motion to Substitute Real Parties in Interest and Dismiss Disinterested Parties (PPB-TRG Acquisition); Certificate of Service; Exhibit 1; Exhibit 2 (Intervenor)
18.	8-Sep-2015	FILED: Answering Brief of Defendant/Appellee City of Phoenix Board of Adjustment; Certificate of Compliance Answering Brief of Defendant/Appellee City of Phoenix Board of Adjustment; Certificate of Service Answering Brief of Defendant/Appellee City of Phoenix Board of Adjustment
19.	11-Sep-2015	FILED: Notice of Filing Transcript and Notice of Service of Transcript; Certificate of Service (Appellee PBB)
20.	11-Sep-2015	FILED: Reporters Transcript - 3/20/15 - Oral Argument (William J. Garling) (Appellee PBB)
21.	14-Sep-2015	FILED: Answering Brief of Appellee/Defendant PBB-TRG; Certificate of Compliance; Certificate of Service (Appellee PBB)
22.	14-Sep-2015	FILED: Appendix Vol. 1 (Appellee PBB)
23.	14-Sep-2015	FILED: Appendix Vol. 2 (Appellee PBB)
24.	14-Sep-2015	FILED: Appendix Vol. 3 (Appellee PBB)
25.	14-Sep-2015	FILED: Certificate of Service (Intervenor)
26.	21-Sep-2015	FILED: Appellant's Motion to Extend Time Concerning Reply Brief (Appellant Pro Per)

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57 PROCEEDING ENTRIES

27.	23-Sep-2015	FILED: Appellant's 09-23-15 Motion for Extension of Time and to Consolidate Reply (Appellant Pro Per)
28.	24-Sep-2015	ORDERED: Appellant's Motion to Extend Time Concerning Reply Brief (Appellant Pro Per) = GRANTED and extending time for filing a consolidated reply brief to both answering briefs to/including 10/29/15. Melina Brill ProTem Judge - Author
29.	28-Sep-2015	FILED: Appellant's Opposition to PPB-TRG's Motion to Substitute "TRG Indian School, L.P." as "Real Party in Interest," and Appellant's Request for hearing re: PBB-TRG's 09-04-15 Motion (Appellant Pro Per)
30.	2-Oct-2015	FILED: Reply in Support of Motion to Substitute Real Parties in Interest and Substitute Disinterested Parties; Certificate of Service; Exhibit 1 to Reply in Support of Motion to Substitute Real Parties in Interest and Substitute Disinterested Parties (Intervenor)
31.	8-Oct-2015	FILED: Appellant's Motion to Add "Trinsic Residential Group" as a Party to This Appeal and Appellant's Request for a Hearing on the Same (Appellant Pro Per)
32.	22-Oct-2015	FILED: Appellant's Motion to Exceed Word Limit (Appellant Pro Per)
33.	22-Oct-2015	FILED: Response to Appellant's Motion to Add Trinsic Residential Group as a Party and Request for Hearing; Certificate of Service; Exhibit 1 (Intervenor)
34.	28-Oct-2015	FILED: Appellant's Latest Motion to Exceed Word Limit (Appellant Pro Per)
35.	28-Oct-2015	FILED: Appellant's Reply RE: Making "Trinsic Residential Group: A Party in This Appeal; Certificate of Service (Appellant)
36.	30-Oct-2015	ORDERED: Appellant's Motion to Exceed Word Limit and Appellant's Latest Motion to Exceed Word Limit (Appellant Pro Per) = DENIED without prejudice to appellant filing a new motion that indicates word court in reply brief. Melina Brill ProTem Judge - Author
37.	2-Nov-2015	FILED: Appellant's 11-02-15 Motion To Exceed the Court's Word Limit As to Appellant's Reply; Certificate of Service (Appellant)
38.	4-Nov-2015	ORDERED: deferring a ruling on these motions ("Appellee's Motion to Substitute Real Parties... and Appellant's Motion to Add Trinsic...") to panel that considers this appeal on merits. FURTHER ORDERED: Motion To Exceed the Court's Word Limit As to Appellant's Reply; (Appellant) = GRANTED to file brief with up to 14,000 words. FURTHER ORDERED: Reply brief shall be filed on/before 11/24/15. Melina Brill ProTem Judge - Author
39.	9-Nov-2015	FILED: Notice of Change of Address; Certificate of Service (Intervenor/Appellee)
40.	24-Nov-2015	FILED: Appellant's Reply Brief; Certificate of Comliance (sic) Appellant's Reply Brief; Certificate of Service Appellant's Reply Brief (Appellant Pro Per)
41.	3-Dec-2015	FILED: Appendix 1 to Appellant's Reply Brief (Appellant Pro Per)
42.	3-Dec-2015	FILED: Appendix 2 to Appellant's Reply Brief (Appellant Pro Per)
43.	3-Dec-2015	FILED: Appendix 3 to Appellant's Reply Brief; Certificate of Service for Reply Brief Appendixes 1, 2, and 3 (Appellant Pro Per)
44.	7-Dec-2015	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
45.	8-Dec-2015	ORDERED: Request for Oral Argument (Appellant) = DENIED. Hon Michael J Brown - Author
46.	17-Dec-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record
47.	17-Dec-2015	FILED: Additional Record on Appeal: Exhibits: City of Phoenix - filed 12/23/14 - 1 Exhibit in Manila Envelope; City of Phoenix - filed 12/23/14 - 1 CD in manila envelope
48.	26-Apr-2016	FILED: Appellant's 04-26-16 Attorney Sanctions Motion and to Also Strike Unlawfully Added Evidence; Certificate of Service; Attachment A; Attachment B and then Attachment C (Appellant)
49.	11-May-2016	FILED: Notice of Substitution of Counsel; Certificate of Service; Order Approving Substitution of Counsel (Intervenor/Appellee)
50.	13-May-2016	FILED: Response to Motion for Attorney Sanctions and Motion to Strike Unlawfully Added Evidence; Certificate of Service (Intervenor)
51.	16-May-2016	FILED: Response to Motion for Attorney Sanctions and Motion to Strike Unlawfully Added Evidence; Certificate of Service (Appellee)

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57 PROCEEDING ENTRIES

52.	1-Jun-2016	FILED: Appellant's Reply RE: Attorney Sanctions Motion and To Strike Unlawfully Added Evidence; Certificate of Service; Exhibit 1 (Appellant)
53.	2-Jun-2016	ORDERED: Denying Appellant's 04/26/2016 request for hearing. FURTHER ORDERED: Denying Appellant's 04-26-16 Motion to Strike Unlawfully Added Evidence. FURTHER ORDERED: Deferring ruling on request for sanctions to merits panel. Hon Margaret H Downie - Author
54.	7-Jul-2016	CLNDR: CONFERENCE, Department D, 9-14-16, COURTROOM 2.
55.	8-Aug-2016	FILED: Memorandum moving conference from 9/7/16 to 9/14/16 (Judge Gould)
56.	22-Dec-2016	MEMORANDUM DECISION (Affirmed) Hon Peter B Swann - Author; Hon Andrew W Gould - Concur; Hon Patricia A Orozco - Concur
57.	22-Dec-2016	FILED: Memorandum Decision Distribution List

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