

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0291

POWER RD-WILLIAMS v. GILBERT et al.

Appellate Case Information

Case Filed: 7-May-2015
Case Closed: 12-Jan-2017

Decision

Dept/Composition

Department E
Hon. Kent E Cattani
Hon. Lawrence F Winthrop
Hon. Peter B Swann

Side 1. POWER ROAD-WILLIAMS FIELD, LLC, an Arizona limited liability company, Plaintiff/Appellant

(Litigant Group) POWER ROAD-WILLIAMS FIELD LLC

- Power Road-Williams Field LLC

Attorneys for: Plaintiff/Appellant

Francis J Slavin, Esq. (AZ Bar No. 2972)
Daniel J Slavin, Esq. (AZ Bar No. 24780)

Side 2. TOWN OF GILBERT, an Arizona municipality; CITY OF MESA, an Arizona municipality; COUNTY OF MARICOPA, a political subdivision of the State of Arizona, Defendant/Appellee

(Litigant Group) TOWN OF GILBERT

- Town of Gilbert

Attorneys for: Defendant/Appellee Town of Gilbert

Robert Grasso, Jr, Esq. (AZ Bar No. 15087)
Kim S Alvarado, Esq. (AZ Bar No. 18216)

(Litigant Group) CITY OF MESA

- City of Mesa

Attorneys for: Defendant/Appellee City of Mesa

Gary L Birnbaum, Esq. (AZ Bar No. 4386)
David J Ouimette, Esq. (AZ Bar No. 6423)

(Litigant Group) COUNTY OF MARICOPA

- Maricopa County

Attorneys for: Defendant/Appellee Maricopa Co.

J Kenneth Mangum, Esq. (AZ Bar No. 3077)

CASE STATUS

Jan 12, 2017....Case Closed

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2013-005862, Violation of ARS Section 9-461.11(F); 42 USC Section 1983; and Negligence, James T Blomo, Authoring Judge of Order.

CASE DECISION

06-Dec-2016 MEMORANDUM DECISION

Peter Swann.....Author
Kent Cattani.....Concur
Lawrence Winthrop.....Concur

Filed: 06-Dec-2016 Mandate: 12-Jan-2017

Decision Disposition

Affirmed

33 PROCEEDING ENTRIES

- 1. 7-May-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/09/15 Docketing Statement filed in Superior Court: 4/23/15
2. 7-May-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 13-May-2015 FILED: Notice to Parties re: Appellant's Fee/Brief Due
4. 13-May-2015 FILED: Reporter's Transcript of Proceedings 11/19/14 (Tara L Kramer) (Appellant)
5. 13-May-2015 FILED: Plaintiff's/Appellant's Notice of Filing and Serving Transcript; Plaintiff's/Appellant's Certificate of Service

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6. 18-May-2015 RECEIPT No.: 2015-00677 ; \$280.00, Authorization: #38002250098, Applied to: POWER ROAD-WILLIAMS FIELD LLC - Class A Filing Fee (\$280.00) Paid for: Francis J Slavin - By Integrated Resource Systems IN
7. 28-May-2015 FILED: Appellee's Notice re: No Appellee Fees Due/Appellant's Brief Due
8. 13-Jul-2015 FILED: Opening Brief of Plaintiff/Appellant Power Road-Williams Field, LLC; Certificate of Compliance to Opening Brief of Plaintiff/Appellant Power Road-Williams Field, LLC; Certificate of Service to Opening Brief of Plaintiff/Appellant Power Road-Williams Field, LLC
9. 22-Jul-2015 FILED: Notice of Appearance; Certificate of Service (Appellee Gilbert)
10. 11-Aug-2015 FILED: Defendants/Appellees' Motion For Procedural Order to Extend Time to File Joint Answering Brief; Certificate of Service (Appellee)
11. 19-Aug-2015 ORDERED: Defendants/Appellees' Motion For Procedural Order to Extend Time to File Joint Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 08-31-2015 to Wednesday, 09-30-2015. Melina Brill ProTem Judge - Author
12. 28-Sep-2015 FILED: Defendants/Appellees' Joint Answering Brief; Defendants/Appellees' Certificate of Compliance; Defendants/Appellees' Certificate of Service
13. 28-Sep-2015 FILED: Appendices to Defendants/Appellees' Joint Answering Brief
14. 21-Oct-2015 FILED: Plaintiff/Appellant's Motion for Procedural Order to Extend Time to File Reply Brief; Certificate of Service (Appellant)
15. 22-Oct-2015 ORDERED: Plaintiff/Appellant's Motion for Procedural Order to Extend Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 10-26-2015 to Monday, 11-16-2015. Melina Brill ProTem Judge - Author
16. 16-Nov-2015 FILED: Reply Brief of Plaintiff/Appellant Power Road-Williams Field, LLC; Certificate of Compliance to Reply Brief of Plaintiff/Appellant Power Road-Williams Field, LLC; Certificate of Service to Reply Brief of Plaintiff/Appellant Power Road-Williams Field, LLC
17. 2-Dec-2015 FILED: Plaintiff/Appellant Power Road-Williams Field, LLC Request for Oral Argument; Certificate of Service for Plaintiff/Appellant's Request for Oral Argument (Appellant)
18. 4-Dec-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
19. 9-Dec-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
20. 12-Jan-2016 ORDERED: Plaintiff/Appellant Power Road-Williams Field, LLC Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
21. 7-Jul-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 9-21-16, 09:30 am, COURTROOM 2.
22. 13-Jul-2016 FILED: Notice of Withdrawal of Attorney Associated with Counsel for Defendant Maricopa County and Request to Remove Name from Electronic Service List; Certificate of Service (Appellee Maricopa County)
23. 18-Jul-2016 FILED: Notice of Withdrawal of Attorney Associated with Counsel for Defendant Town of Gilbert and Request to Remove Name from Service List; Certificate of Service (Appellee)
24. 10-Aug-2016 FILED: Notice of Oral Argument
25. 11-Aug-2016 FILED: Receipt for Notice of Oral Argument, Signed by David J Ouimette on 08/10/2016; Certificate of Service (Appellee City of Mesa)
26. 15-Aug-2016 FILED: Receipt for Notice of Oral Argument, Signed by J Kenneth Mangum on 08/10/2016 (Appellee Maricopa Co.)
27. 18-Aug-2016 FILED: Receipt for Notice of Oral Argument, signed by Francis J Slavin on 08/09/2016 (Appellant)
28. 30-Aug-2016 FILED: Receipt for Notice of Oral Argument, signed by Kim S Alvarado on 08/09/2016 (Appellee Town of Gilbert)
29. 14-Sep-2016 FILED: Notice of Appearance; Certificate of Service of Notice of Appearance (Appellee Town of Gilbert)
30. 21-Sep-2016 FILED: Sign-in Sheet/Case is Under Advisement as of 09/21/2016 (Dept E)

**Court of Appeals, Division One**

**Civil Appeal**

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**33 PROCEEDING ENTRIES**

- 31. 6-Dec-2016 MEMORANDUM DECISION (Affirmed) Hon Peter B Swann - Author; Hon Kent E Cattani - Concur; Hon Lawrence F Winthrop - Concur
- 32. 6-Dec-2016 FILED: Memorandum Decision Distribution List
- 33. 12-Jan-2017 FILED: Mandate, No record returned to superior court.