

Court of Appeals, Division One
Civil Appeal

1 CA-CV 15-0340

BERSCH et al. v. STATE et al.

<p>Appellate Case Information</p> <p>Case Filed: 18-May-2015</p> <p>Case Closed:</p>	<p>Dept/Composition</p> <p>Department A</p> <p>Hon. Margaret H Downie Hon. Kent E Cattani Hon. Donn Kessler</p>
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Side 1. LANCE MICHAEL BERSCH; DAVID JOHN WANZEK and LINDA WANZEK, husband and wife, Plaintiff/Appellant
(Litigant Group) LANCE MICHAEL BERSCH et al.

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| <ul style="list-style-type: none"> ● Lance Michael Bersch ● David John Wanzek ● Linda Wanzek | <p>Co-Counsel for: Plaintiffs/Appellants</p> <p>Timothy J Sabo, Esq. (AZ Bar No. 21309)
Paul J Roshka, Jr, Esq. (AZ Bar No. 9285)
Craig M Waugh, Esq. (AZ Bar No. 26524)</p> |
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Side 2. THE STATE OF ARIZONA; THE ARIZONA CORPORATION COMMISSION, an agency of the State of Arizona; MATTHEW J. NEUBERT, in his official capacity as Director of the Securities Division of the Arizona Corporation Commission; MARK PRENY, in his official capacity as Administrative law Judge of the Arizona Corporation Commission, Defendant/Appellee
(Litigant Group) STATE OF ARIZONA et al.

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| <ul style="list-style-type: none"> ● State of Arizona ● Arizona Corporation Commission ● Mr Matthew J Neubert
AZ Bar No. 9225
[Current Member]
Admitted 10/15/83 | <p>Attorneys for: Defendants/Appellees</p> <p>James D Burgess, Esq. (AZ Bar No. 14978)
Paul Kitchin, Esq. (AZ Bar No. 31783)</p> |
| <p>(Litigant Group) MARK PRENY</p> | |
| <ul style="list-style-type: none"> ● Mark Preny
AZ Bar No. 19257 | <p>Attorneys for: Defendant/Appellee Mark Preny</p> <p>Charles A Grube, Esq. (AZ Bar No. 11511)</p> |

Side 3. ARIZONA ATTORNEY GENERAL, Amicus Curiae
(Litigant Group) ARIZONA ATTORNEY GENERAL

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| <ul style="list-style-type: none"> ● State of Arizona | <p>Attorneys for: Amicus Curiae</p> <p>Matthew DuMee, Esq. (AZ Bar No. 28468)</p> |
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CASE STATUS

Dec 13, 2016.... Pending Closure

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR LC2014-000415-001	Complaint for Special Action		J Richard Gama, Authoring Judge of Order		

DESCENDENT CASE(S)
ASC CV-16-0150-PR

OPEN DUE DATE

Stay Request (re: Writ of Certiorari) due **Due By:** Wednesday, December 28, 2016
Re: Minute Letter of ASC: Petition for Review DENIED

CASE DECISION

<p>02-Jun-2016 MEMORANDUM DECISION</p> <p>Donn Kessler.....Author</p> <p>Margaret Downie.....Concur</p> <p>Kent Cattani.....Concur</p>	<p>Filed: 02-Jun-2016 Mandate:</p> <table border="1" style="width: 100%;"> <tr> <td align="center">Decision Disposition</td> </tr> <tr> <td align="center">Affirmed</td> </tr> </table>	Decision Disposition	Affirmed
Decision Disposition			
Affirmed			

40 PROCEEDING ENTRIES

1. 18-May-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/22/15

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2. 18-May-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 2-Jun-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4. 2-Jun-2015 FILED: Notice of Appearance and Request for Notice; Certificate of Service of Notice of Appearance and Request for Notice (Appellee)
5. 2-Jun-2015 FILED: Appellees' Motion to Take Judicial Notice; Certificate of Service of Appellees' Motion to Take Judicial Notice (Appellee)
6. 12-Jun-2015 FILED: Motion to Stay Administrative Hearing Pending Appeal; Certificate of Service (Appellant)
7. 12-Jun-2015 FILED: Exhibits A-D (Appellant)
8. 17-Jun-2015 RECEIPT No.: 2015-00836 ; \$280.00, Authorization: #67011291618, Applied to: LANCE MICHAEL BERSCH et al. - Class A Filing Fee (\$280.00) Paid for: Snell & Wilmer LLP - By Integrated Resource Systems IN
9. 22-Jun-2015 FILED: Appellee's Notice re: No Appellee's Fee Due/Appellant's Brief Due
10. 22-Jun-2015 FILED: Case Management Statement (Appellant)
11. 1-Jul-2015 FILED: Response to Motion to Stay Administrative Hearing Pending Appeal; Certificate of Service for Response to Motion to Stay Administrative Hearing Pending Appeal; Exhibit 1 (Appellee)
12. 14-Jul-2015 FILED: Reply in Support of Motion to Stay Administrative Hearing; Certificate of Service (Appellant)
13. 28-Jul-2015 ORDERED: Motion to Stay Administrative Hearing Pending Appeal (Appellant) = GRANTED and ordering stay of Docket no. S-20906A-14-0063 before Arizona Corporation Commission. Hon Patricia A Orozco - Author
14. 3-Aug-2015 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service
15. 13-Aug-2015 ORDERED: Appellees' Motion to Take Judicial Notice = DENIED as unnecessary. Melina Brill ProTem Judge - Author
16. 21-Sep-2015 FILED: Answering Brief of Appellees State of Arizona, Arizona Corporation Commission, and Matthew J. Neubert; Certificate of Compliance; Certificate of Service
17. 19-Oct-2015 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service
18. 26-Oct-2015 FILED: Request for Oral Argument; Certificate of Service for Request for Oral Argument (Appellee)
19. 27-Oct-2015 FILED: Request for Oral Argument; Certificate of Service (Appellant)
20. 30-Oct-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21. 5-Nov-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
22. 9-Nov-2015 FILED: Motion of the Arizona Attorney General to File a Brief as Amicus Curiae; Certificate of Service (Amicus Curiae)
23. 9-Nov-2015 FILED: Amicus Curiae Brief of the Attorney General; Certificate of Compliance; Certificate of Service (Amicus Curiae)
24. 13-Nov-2015 ORDERED: Request for Oral Argument (Appellee) and Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
25. 10-Dec-2015 ORDERED: Motion of the Arizona Attorney General to File a Brief as Amicus Curiae (Amicus Curiae) = GRANTED and accepting for filing amicus curiae brief of Attorney General lodged on 11/9/15. FURTHER ORDERED: Any party may file a response to brief w/in twenty (20) days of date of this order. Hon Michael J Brown - Author
26. 29-Dec-2015 FILED: Notice of Errata for Amicus Curiae Brief of the Attorney General; Certificate of Service (Amicus Curiae)
27. 29-Dec-2015 FILED: Amicus Curiae Brief of the Attorney General; Certificate of Compliance; Certificate of Service (Amicus Curiae)
28. 30-Dec-2015 FILED: Appellants' Response to Amicus Curiae Brief of the Attorney General; Certificate of Compliance; Certificate of Service (Appellant)
29. 31-Mar-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 5-10-16, 09:30 am, COURTROOM 1.

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30. 7-Apr-2016 FILED: Notice of Oral Argument
31. 7-Apr-2016 FILED: Return Receipt for Notice of Oral Argument signed by James D Burgess on 4/7/16; Certificate of Service for Return Receipt for Notice of Oral Argument (Appellees State, et al.)
32. 7-Apr-2016 FILED: Return Receipt for Notice of Oral Argument signed by Timonty J Sabo on 4/7/16 (Appellant)
33. 3-May-2016 FILED: Return Receipt for Notice of Oral Argument signed by Charles A Grube on 4/7/16; Certificate of Service (Appellee)
34. 10-May-2016 FILED: Sign-in Sheet/Case is Under Advisement (Dept A)
35. 2-Jun-2016 MEMORANDUM DECISION (Affirmed) Hon Donn Kessler - Author; Hon Margaret H Downie - Concur; Hon Kent E Cattani Judge - Concur
36. 2-Jun-2016 FILED: Memorandum Decision Distribution List
37. 6-Jul-2016 FILED: Email Notice from ASC re: Petition for Review filed 7/5/16; request for partial record
38. 6-Jul-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
39. 14-Nov-2016 FILED: ASC order filed 11/14/16 re: denying "Motion to Stay Administrative Hearing."
40. 13-Dec-2016 FILED: Letter from ASC, 12/13/2016, re: Petition for Review DENIED on 12/13/2016