Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0390 PLEA et al. v. DUPUY et al.

Appellate Case Information

Case Filed: 18-Jun-2015

Case Closed:

Dept/Composition

Department A

Hon. Kenton D Jones
Hon. Donn Kessler
Hon. Kent E Cattani

Side 1. PHOENIX LAW ENFORCEMENT ASSOCIATION, an Arizona non-profit corporation; BARRY JACOBS, EARLE AKRE, and ROBERT RAMSEY, and RICK FLUM, THERESA CLARK, NICHOLAS ROSANDER, CHARLES CONSOLIAN, RANDOLPH PALMER, SCOTT MCCAULEY, RODRIGO HERNANDEZ, NATALIE SIMONICK, JANINA AUSTIN, individually and on behalf of themselves and as representatives for similarly situated class members, Plaintiff/Appellee

(Litigant Group) PLEA et al.

- **Phoenix Law Enforcement Association**
- **Barry Jacobs**
- **Earle Akre**
- **Robert Ramsey**
- **Rick Flum**

Attorneys for: Plaintiffs/Appellees PLEA et al.

Michael Napier, Esq. (AZ Bar No. 2603)
Eric R Wilson, Esq. (AZ Bar No. 30053)
Cassidy L Bacon, Esq. (AZ Bar No. 31361)

(Litigant Group) THERESA CLARK et al.

- **Theresa Clark**
- **Nicholas Rosander**
- **Charles Consolian**
- **Randolph Palmer**
- **Scott McCauley**
- **Rodrigo Hernandez**
- **Natalie Simonick**
- **Janina Austin**

Attorneys for: Plaintiffs/Appellees Clark et al.

Caroline A Pilch, Esq. (AZ Bar No. 11041)
Robert E Yen, Esq. (AZ Bar No. 7236)
Michael Pang, Esq. (AZ Bar No. 30037)

Side 2. CITY OF PHOENIX, a body politic, Defendant/Appellee

(Litigant Group) CITY OF PHOENIX

- **City of Phoenix**

Attorneys for: Defendant/Appellee City of Phoenix

John Alan Doran, Esq. (AZ Bar No. 12112)
Lori Wright Keffer, Esq. (AZ Bar No. 28144)
Matthew A Hesketh, Esq. (AZ Bar No. 29319)

Side 3. MICHAEL DUPUY and JIM JOCHIM, Intervenor/Appellant

(Litigant Group) MICHAEL DUPUY and JIM JOCHIM

- **Michael Dupuy**
- **Jim Jochim**

Attorneys for: Intervenors/Appellants

Jonathan Matthew Riches, Esq. (AZ Bar No. 25712)

CASE STATUS

Jan 10, 2017....Pending Closure

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2014-008711					
MAR	CV2014-009114	Declaratory Judgment and Injunctive Relief		Robert H Oberbillig, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-16-0208-PR

2 OPEN DUE DATES

Stay Request (re: Writ of Certiorari) due **Due By:** Wednesday, January 25, 2017

Re: Minute Letter of ASC: Petition for Review DENIED

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 15-0390 PLEA et al. v. DUPUY et al.

2 OPEN DUE DATES

Response Due **Due By:** Wednesday, February 22, 2017

motion for reconsideration
*Re: * ORDERED: authorizing Appellants to file a response to motion for reconsideration limited to addressing whether matter on appeal arose out of contact and was so decided by Arizona Supreme Court in denying petition for review. Any such response shall be f*

PENDING MATTER

General Motion Filed: 26-Jan-2017

Plaintiffs/Appellees Theresa Clark Et al.'s Motion for Reconsideration of Court's Denial of Attorneys' Fees; Certificate of Service (Appellee)

CASE DECISION

26-Jul-2016 **ORDER**

ORDERED: dismissing appeal for lack of jurisdiction.
FURTHER ORDERED: vacating conference and oral argument scheduled for 09/13/2016.

Filed: **26-Jul-2016** Mandate:

Decision Disposition
Dismissed

Donn Kessler.....Author

36 PROCEEDING ENTRIES

1.	18-Jun-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/21/15
2.	18-Jun-2015	FILED: e-Record on Appeal (CV2014-009114): Instruments/Minute Entries Exhibits - not sent at this time
3.	18-Jun-2015	FILED: e-Record on Appeal (CV2014-008711): Instruments/Minute Entries
4.	22-Jun-2015	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
5.	29-Jun-2015	FILED: Reporter's Transcript - 7/16/2014 - Temporary Restraining Order (Court Reporter, Michele Kaley) (Appellant)
6.	2-Jul-2015	RECEIPT No.: 2015-00913 ; $280.00, Authorization: 82022120167, Applied to: MICHAEL DUPUY and JIM JOCHIM - Class A Filing Fee ($280.00) Paid for: Goldwater Institute - By Integrated Resource Systems IN
7.	13-Jul-2015	FILED: Appellee's Notice re: Appellees PLEA and Clarks Fee Due/ No Fee Due From City of Phoenix/Appellant's Brief Due
8.	13-Jul-2015	RECEIPT No.: 2015-00961 ; $140.00, Check Number: #13387, Applied to: THERESA CLARK et al. - Class B Filing Fee ($140.00) Paid for: - By Yen Pilch & Landeen PC
9.	13-Jul-2015	FILED: Case Management Statement; Final Order on Motions for Partial Summary Judgment and Certification Under Rule 54(B) (Appellant)
10.	14-Jul-2015	RECEIPT No.: 2015-00962 ; $140.00, Check Number: #24378, Applied to: PLEA et al. - Class B Filing Fee ($140.00) Paid for: Plea et al. - By Napier Coury & Baillie PC
11.	21-Aug-2015	FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service
12.	24-Sep-2015	FILED: Plaintiffs/Appellees, Theresa Clark, et al., and Phoenix Law Enforcement Association, et al., Joint Motion for Procedural Order to Extend Time for Filing Answering Brief; Certificate of Service (Appellee)
13.	25-Sep-2015	ORDERED: Plaintiffs/Appellees, Theresa Clark, et al., and Phoenix Law Enforcement Association, et al., Joint Motion for Procedural Order to Extend Time for Filing Answering Brief (Appellee) = GRANTED (all answering briefs). Due date EXTENDED from Monday, 10-05-2015 to Wednesday, 10-14-2015 Melina Brill ProTem Judge - Author
14.	14-Oct-2015	FILED: Answering Brief of Plaintiffs/Appellees Theresa Clark, et al.; Certificate of Compliance; Certificate of Service

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

36 PROCEEDING ENTRIES

15.	14-Oct-2015	FILED: Appellees Phoenix Law Enforcement Association, Barry Jacobs, Earle Akre, Robert Ramsey, and Rick Flum's Answering Brief; Appellees Phoenix Law Enforcement Association, Barry Jacobs, Earle Akre, Robert Ramsey, and Rick Flum's Certificate of Complaince (sic); Appellees Phoenix Law Enforcement Association, Barry Jacobs, Earle Akre, Robert Ramsey, and Rick Flum's Certificate of Complaince (sic) (Certificate of Service)
16.	19-Oct-2015	RECEIPT No.: 2015-01450 ; $140.00, Authorization: Ref1:92010625836, Applied to: PLEA et al. - Overpayment Class B ($140.00) Paid for: Napier Coury & Baillie PC - By Intresys Inc (Memo: Overpmt ref#2015-00962 Refund needed)
17.	3-Nov-2015	FILED: Appellants' Consolidated Reply to Appellees' Answering Briefs; Certificate of Compliance; Certificate of Service (Appellant)
18.	9-Nov-2015	FILED: Letter, 11/9/15, from Court to Napier Coury & Baillie PC re: Refund of monies submitted in error
19.	16-Nov-2015	FILED: Intervenors/Appellants' Request for Oral Argument; Certificate of Service (Appellant)
20.	4-Dec-2015	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21.	8-Dec-2015	ORDERED: Intervenors/Appellants' Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
22.	14-Dec-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record
23.	14-Dec-2015	FILED: Additional Record on Appeal: Exhibits: HD 7/16/14 - List and # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 in white box.
24.	14-Jan-2016	FILED: Notice of Withdrawal of Counsel; Certificate of Service (Appellant)
25.	7-Jul-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 9-13-16, 10:45 am, COURTROOM 2.
26.	14-Jul-2016	FILED: Memorandum: Judge Cattani for Judge Howe (Chief Judge Brown)
27.	26-Jul-2016	ORDERED: dismissing appeal for lack of jurisdiction. FURTHER ORDERED: vacating conference and oral argument scheduled for 09/13/2016. Hon Donn Kessler - Author
28.	8-Aug-2016	FILED: Plaintiffs/Appellees Theresa Clark Et al.'s Verified Statement of Attorneys' Fees and Costs; Certificate of Service; Affidavit of Caroline A. Pilch In Support of Plaintiffs/Appellees Theresa Clark Et al.'s Verified Statement of Attorneys' Fees and Costs (Appellee Clark)
29.	19-Aug-2016	FILED: Motion to Strike and Objection to Plaintiffs/Appellees Theresa Clark Et Al.'s Verified Statement of Attorneys' Fees and Costs; Certificate of Service (Appellant)
30.	26-Aug-2016	FILED: Plaintiffs/Appellees Theresa Clark Et al.'s Reply to Intervenors/Appellants' Objection to Clark's Verified Statement of Attorneys' Fees and Costs; Certificate of Service (Appellee)
31.	26-Aug-2016	FILED: Email Notice from ASC re: Petition for Review filed 8/25/16; request for partial record
32.	30-Aug-2016	FILED: Letter forwarding partial record to Arizona Supreme Court
33.	10-Jan-2017	FILED: Letter from ASC, 01/10/2017, re: Petition for Review DENIED on 01/10/2017
34.	12-Jan-2017	ORDERED: treating Clark's Verified Statement of Attorneys' Fees and Costs as a motion for reconsideration and granting such motion to address the merits of her request. FURTHER ORDERED: denying Clark's request for attorneys' fees on appeal. FURTHER ORDERED: granting Clark $146 in taxable costs on appeal. Hon Donn Kessler - Author
35.	26-Jan-2017	FILED: Plaintiffs/Appellees Theresa Clark Et al.'s Motion for Reconsideration of Court's Denial of Attorneys' Fees; Certificate of Service (Appellee)
36.	7-Feb-2017	ORDERED: authorizing Appellants to file a response to motion for reconsideration limited to addressing whether matter on appeal arose out of contact and was so decided by Arizona Supreme Court in denying petition for review. Any such response shall be filed on/before 02/22/2017, and shall not exceed ten pages in length, excluding any certificates, tables and appendices. No reply shall be permitted without prior written permission of this Court. Hon Kenton D Jones - Author

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