Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0534 BORUCH et al. v. STATE et al.

Appellate Case Information

Case Filed: 13-Aug-2015

Case Closed:

Dept/Composition

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

1 CA-CV 15-0534 BORUCH et al. v. STATE et al.

Side 1. MARY C. BORUCH, an individual; et al., Plaintiff/Appellant

(Litigant Group) MARY C BORUCH et al.

- **Mary C Boruch**
- **Ryan J Brown**
- **Scott Daniels**
- **Andrea Garcia**
- **Rand Olsen**
- **Penny Peshlakai**
- **Penny Tucker**
- **Joseph A Jaime**
- **Rhett C Udall**
- **Susan F Udall**
- **Zachary R Webster**
- **Erin R Webster**
- **Straight Run LLC**
- **Jamie Bartlett**
- **Edward Christopher**
- **Virginia Christopher**
- **Donald D Dreiling**
- **John Gebhart**
- **Brooke Gebhart**
- **Judy Kingsley**
- **Harry J Kingsley**
- **Todd B Kandaris**
- **Cody W Phelps**
- **Jonathan Ledlow**
- **Vaughn E Pelzer**
- **1421 Allen Investment Group LLC**
- **1349 Allen Investment Group LLC**
- **1243 Harmony Investment Group LLC**
- **1242 Harmony Investment Group LLC**
- **1240 Harmony Investment Group LLC**
- **1237 Harmony Investment Group LLC**
- **1209 Harmony Investment Group LLC**
- **Steven Regehr**
- **Dawn Regehr**
- **Robert T Speltz**
- **David B Seimon**
- **Han Xiong Seimon**
- **Benjamin Vallejo**
- **Allen M Wendland**

Attorneys for: Plaintiffs/Appellants

Keith L Hendricks, Esq. (AZ Bar No. 12750)

Louis D Lopez, Esq. (AZ Bar No. 21191)

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- Virginia M Wendland
- Arthur Lyman
- Sarah Michal
- Ginger M Tederman
- Susan D Drake
- Elizabeth Johnson
- Richie Wendland
- Glenn Wiggins
- Gene Cianfarano
- Sandra S Cianfarano
- Maria A Caballero
- Donna M Heitkotter
- Heitkotter Girls Family Trust
- Thomas R Fischer
- Cheryl J Fischer
- Dagoberto J Cordova
- Kemia Hall
- Saul Garcia
- Gregory H Beckett
- Judith E Beckett
- Lee A Maltby
- Theresa M Maltby
- Thomas M Colton
- Lorin Schnebly
- Carol Connor
- Timothy C Laskowski
- Lynn Laskowski
- Alice L Gierhahn
- Jeffrey G Gierhahn
- Jeremie Blalack
- Nina Blalack
- David R Hoebreckx
- Edward F Steele
- Kathy L Steele
- Randy L Culver
- Jeanie M Culver
- Rex Ettleman
- Sandra J Ettleman
- Barbara Cross
- Ernestine Huerta
- Nancy Vasquez

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- **Kelly Herschberger**
- **Brett A Edison**
- **Paul Moreno**
- **Lybia Moreno**
- **Irma Valdes**
- **Michael A Credit**
- **Curtis L Cornils**
- **Jerri A Cornils**
- **Connor Cornils**
- **Jaimie Bunning**
- **Leah Bunning**
- **Dillon Fransen**
- **Juana E Mora**
- **Ezequiel Ulloa**
- **Alisha Heitkotter**
- **Theresa A Cantalice**
- **Edward Sportelli**
- **Wilbur C Schultz**
- **Shane Wendland**
- **Janet E Campbell**
- **Janet E Campbell Family Living Trust**

Side 2. STATE OF ARIZONA ex rel. JOHN HALIKOWSKI, Director of the ARIZONA DEPARTMENT OF TRANSPORTATION; CITY OF MESA, an Arizona municipal corporation, Defendant/Appellee

(Litigant Group) STATE OF ARIZONA

- **State of Arizona**

Attorneys for: Defendant/Appellee State
Ron J Aschenbach, Esq. (AZ Bar No. 13742)
Joe Acosta, Jr, Esq. (AZ Bar No. 5378)

(Litigant Group) CITY OF MESA

- **City of Mesa**

Co-Counsel for: Defendant/Appellee City of Mesa
Marc T Steadman, Esq. (AZ Bar No. 11732)
Robert R Berk, Esq. (AZ Bar No. 10162)
Lori L Voepel, Esq. (AZ Bar No. 15342)
Jennifer B Anderson, Esq. (AZ Bar No. 15605)

CASE STATUS

Sep 16, 2016....At Issue

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2014-014115	Injunctive Relief		Randall H Warner, Authoring Judge of Order		

46 PROCEEDING ENTRIES

1.	13-Aug-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/15/15
2.	13-Aug-2015	FILED: e-Record on Appeal: Instruments/Minute Entries

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46 PROCEEDING ENTRIES

3.	19-Aug-2015	FILED: Notice to Parties re: Appellants' Fee/Case Management Statement/Brief Due
4.	11-Sep-2015	FILED: Notice Of Payment Of Filing Fee; Certificate of Service (Appellant)
5.	11-Sep-2015	FILED: Case Management Statement (Appellant)
6.	15-Sep-2015	FILED: Notice Of Filing Transcript; Certificate of Service; Reporters Transcript - 2/23/15 - Oral Argument (Katie McClure) (Appellant)
7.	15-Sep-2015	FILED: Reporters Transcript - 2/23/15 - Oral Argument (Katie McClure) (Appellant)
8.	16-Sep-2015	RECEIPT No.: 2015-01295 ; $280.00, Authorization: #58014411195, Applied to: MARY C BORUCH et al. - Class A Filing Fee ($280.00) Paid for: Moyes Sellers & Hendricks - By Integrated Resource Systems IN
9.	16-Sep-2015	FILED: Stipulation for Extension of Time for Appellant to File Opening Brief; Certificate of Service (Appellant)
10.	18-Sep-2015	ORDERED: Stipulation for Extension of Time for Appellant to File Opening Brief; (Appellant) = GRANTED. Due date EXTENDED from Monday, 10-19-2015 to Wednesday, 11-18-2015. Melina Brill ProTem Judge - Author
11.	18-Nov-2015	FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service; (Appellants' Opening Brief) Appendix 1
12.	15-Dec-2015	FILED: Joint Motion to Extend Time for Filing of Answering Briefs; Certificate of Service (Appellee)
13.	16-Dec-2015	ORDERED: Extending the time for filing the Answering Briefs to/including 2/3/16. Melina Brill ProTem Judge - Author
14.	4-Jan-2016	FILED: Notice of Association of Counsel; Certificate of Service (Appellee Mesa)
15.	4-Jan-2016	FILED: City of Mesa's Unopposed Motion for Procedural Order Extending Time to file Answering Briefs; Certificate of Service (Appellee)
16.	5-Jan-2016	ORDERED: Extending the time to file all answering briefs to/including 3/4/16. Melina Brill ProTem Judge - Author
17.	13-Jan-2016	FILED: Motion to Re-Vest Jurisdiction with Maricopa County Superior County to Address Apparent Clerical Error in the Form of Judgment or In the Alternative Motion for Leave to Supplement Issues on Appeal and Opening Brief to Appeal the Form of Judgment Entered; Certificate of Service; Exhibit A-B (Appellant)
18.	26-Jan-2016	FILED: Supplement to Motion to Re-Vest Jurisdiction With Maricopa County Superior County to Address Apparent Clerical Error in the Form of Judgment or In The Alternative Motion for Leave to Supplement Issues on Appeal and Opening Brief to Appeal The Form of Judgment Entered; Certificate of Service; Exhibit A (Appellant)
19.	2-Feb-2016	FILED: Appellees' Joint Response to Appellants' Motion to Re-vest Jurisdiction and in the Alternative Motion for Leave to Supplement Issues on Appeal and Opening Brief; Certificate of Service (Appellee)
20.	2-Feb-2016	FILED: Notice of Errata; Certificate of Service (Appellee)
21.	16-Feb-2016	FILED: Motion to Receive Evidence and Supplement Record; Certificate of Service; Exhibit 1 - Declaration of Keith Hendricks (Appellant)
22.	16-Feb-2016	FILED: Reply in Support of the Motion to Revest Jurisdiction with Maricopa County Superior County to Address Apparent Clerical Error in the Form of Judgment and in the Alternative Motion for Leave to Supplement Issues on Appeal and Opening Brief to Appeal the Form of Judgment Entered; Certificate of Service; Exhibit 1 - Declaration of Keith Hendricks in Support of Appellants' Motion to Revest (Appellant)
23.	23-Feb-2016	ORDERED: Motion to Re-Vest Jurisdiction with Maricopa County Superior County to Address Apparent Clerical Error in the Form of Judgment or In the Alternative Motion for Leave to Supplement Issues on Appeal and Opening Brief to Appeal the Form of Judgment Entered (Appellants) = GRANTED. FURTHER ORDERED: Staying appeal to/including 4/8/16 and revesting jurisdiction in Maricopa Superior Court to permit court to consider Rule 60 (a) motion. FURTHER ORDERED: Within 10 days after superior court rules on motion, appellants shall file a notice w/ this court w/ ruling attached. If superior court grants motion, notice should indicate whether ruling affects judgment that is subject to this appeal. FURTHER ORDERED: Directing appellants to file written notice with this court of status of Rule 60 (a) motion on/before 4/8/16. FURTHER ORDERED: Vacating due date for answering briefs. Court will set a due date for answering briefs after superior court rules on Rule 60 (a) motion. Barbara Vidal Vaught ProTem Judge - Author
24.	29-Feb-2016	FILED: Appelees's Joint Response to Appellants' Motion to Receive Evidence and Supplement Record; Certificate of Service (Appellee)

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46 PROCEEDING ENTRIES

25.	9-Mar-2016	FILED: Reply in Support of Motion to Receive Evidence and Supplement Record; Certificate of Service (Appellant)
26.	11-Mar-2016	ORDERED: Denying the Motion to Receive Evidence and Supplement the Record without prejudice to reconsideration after the Superior Court rules on Appellants' Rule 60(a) motion and this appeal is reinstated. FURTHER ORDERED: Denying Appellants' request for an award of attorneys' fees. Hon Kent E Cattani Judge - Author
27.	29-Mar-2016	FILED: Notice of Change of Firm Address; Certificate of Service (Appellee)
28.	8-Apr-2016	FILED: Notice of Trial Court Ruling; Certificate of Service; Exhibit A (Appellant)
29.	12-Apr-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Minute Entry filed 4/1/16 re: denial of Plaintiff's Rule 60(A) Motion to Correct or Clarify Form of Judgment)
30.	26-Apr-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Plaintiffs' Notice of Appeal filed 4/13/16 appealing minute entry filed 4/1/16)
31.	3-May-2016	ORDERED: Notice of Trial Court Ruling; Exhibit A (Appellant) = GRANTED/confirming reinstatement of appeal. FURTHER ORDERED: Appellants may file a supplemental opening brief limited to issues arising out of 4/1/16 order on/before 6/16/16. FURTHER ORDERED: A consolidated answering brief to both opening briefs shall be due w/in 40 days after service of supplemental opening brief. Melina Brill ProTem Judge - Author
32.	16-Jun-2016	FILED: Appellants' Supplemental Opening Brief; Certificate of Compliance; Certificate of Service; Appendix (Appellant)
33.	6-Jul-2016	FILED: Stipulated Motion re: (revising) Remaining Briefing on Appeal; Certificate of Service (Appellee)
34.	7-Jul-2016	ORDERED: Stipulated Motion re: (revising) Remaining Briefing on Appeal = GRANTED\Answering brief may contain up to 14,000 words to 11/18/15 opening brief. FURTHER ORDERED: Appellees may file separate answering brief up to 7,000 words to 06/16/2016 supplemental opening brief. FURTHER ORDERED: Answering briefs due 08/01/2016. FURTHER ORDERED: appellants may file separate reply briefs up to 10,500 words collectively. Melina Brill ProTem Judge - Author
35.	22-Jul-2016	FILED: Motion for Procedural Order to Extend Time to File Appellees' Joint Answering Brief; Certificate of Service (Appellee)(City of Mesa)
36.	25-Jul-2016	ORDERED: Motion for Procedural Order to Extend Time to File Appellees' Joint Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 08-01-2016 to Monday, 08-08-2016 (City of Mesa). Melina Brill ProTem Judge - Author
37.	8-Aug-2016	FILED: Appellees' Joint Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
38.	8-Aug-2016	FILED: Joint Supplemental Answering Brief and Combined Appendix; Certificate of Compliance; Certificate of Service (Appellee)
39.	1-Sep-2016	FILED: Stipulation to Extend Time To File Appellants Reply Brief; Certificate of Service (Appellant)
40.	6-Sep-2016	ORDERED: Stipulation to Extend Time To File Appellants Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 09-02-2016 to Friday, 09-16-2016. Barbara Vidal Vaught ProTem Judge - Author
41.	16-Sep-2016	FILED: Appellant's Combined Opening and Supplemental Reply Brief; Certificate of Compliance; Certificate of Service (Appellants)
42.	26-Sep-2016	FILED: Joint Request for Oral Argument of Defendants-Appellees; Certificate of Service (Appellee)
43.	4-Oct-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
44.	13-Oct-2016	ORDERED: Joint Request for Oral Argument of Defendants-Appellees (Appellee) = GRANTED. Oral argument will be scheduled in normal course of court's civil appeals calendar, and court will notify counsel of date. Hon Michael J Brown - Author
45.	14-Oct-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
46.	16-Feb-2017	FILED: Appellants' Notice of Disassociation of Counsel and Substitution of Counsel within Same Firm; Certificate of Service (Appellants)

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