

Court of Appeals, Division One
Civil Appeal

1 CA-CV 15-0690

USA v. VERDE DITCH et al.

| Appellate Case Information | Dept/Composition |
|---|------------------|
| Case Filed: 16-Oct-2015 Case Closed: | |

Side 1. UNITED STATES OF AMERICA, Appellant

(Litigant Group) UNITED STATES OF AMERICA

- United States of America

Attorneys for: Appellant

John L Smeltzer, Esq. (DC Bar No. 434585)
F Patrick Barry, Esq. (AZ Bar No. 6056)

Side 2. VERDE DITCH COMPANY; SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT and SALT RIVER VALLEY USERS' ASSOCIATION; ARIZONA DEPARTMENT OF WATER RESOURCES; MONROE LANE NEIGHBORHOOD COALITION; YAVAPAI-APACHE NATION; ARIZONA STATE PARKS; PETER J. MOLLICK; BRADFORD C. GORDON; KAREN PHILLIPS; DON FERGUSON; LEROY MILLER, Appellee

(Litigant Group) VERDE DITCH COMPANY

- Verde Ditch Company

Attorneys for: Appellee VDC

L Richard Mabery, Esq. (AZ Bar No. 5188)

(Litigant Group) SRP/SALT RIVER VALLEY WATER USERS ASSOC.

- Salt River Project Agricultural Improvement & Power District
- Salt River Valley Water Users Association

Attorneys for: Appellees Salt River

John B Weldon, Jr, Esq. (AZ Bar No. 3701)
Mark A McGinnis, Esq. (AZ Bar No. 13958)
R Jeffery Heilman, Esq. (AZ Bar No. 29525)

(Litigant Group) AZ DEPT OF WATER RESOURCES

- Arizona Department of Water Resources

Attorneys for: Appellee AZ Dept of Water Resources

Janet L Miller, Esq. (AZ Bar No. 11963)
Nicole D Klobas, Esq. (AZ Bar No. 21350)
Kenneth C Slowinski, Esq. (AZ Bar No. 12357)

(Litigant Group) MONROE LANE NEIGHBORHOOD COALITION

- Monroe Lane Neighborhood Coalition

Attorneys for: Appellee Monroe Lane

Douglas E Brown, Esq. (AZ Bar No. 10791)
David Albert Brown, Esq. (AZ Bar No. 6827)
J Albert Brown, Esq. (AZ Bar No. 30918)

(Litigant Group) YAVAPAI-APACHE NATION

- Yavapai-Apache Nation

Attorneys for: Appellee Yavapai-Apache Nation

Robyn L Interpreter, Esq. (AZ Bar No. 20864)
Susan B Montgomery, Esq. (AZ Bar No. 20595)

(Litigant Group) ARIZONA STATE PARKS

- Arizona State Parks Board

Attorneys for: Appellee AZ State Parks

Carrie Jane Brennan, Esq. (AZ Bar No. 18250)
Theresa M Craig, Esq. (AZ Bar No. 10585)

(Litigant Group) PETER J. MOLLICK

- Peter J Mollick PRO SE

(Litigant Group) BRADFORD C GORDON

- Bradford C Gordon PRO SE

(Litigant Group) KAREN PHILLIPS

- Karen Phillips PRO SE

(Litigant Group) DON FERGUSON

- Don Ferguson PRO SE

(Litigant Group) LEROY MILLER

- Leroy Miller PRO SE

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CASE STATUS

Apr 18, 2016....At Issue

| PREDECESSOR CASE (S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|-----------------------------|---|--------------------------|--|--------------|--------------|
| YAV P1300CV4772 | Petition for Approval of a Memorandum of Understanding and Authority for the Verde Ditch Commissioners to Proceed | | David L Mackey, Authoring Judge of Order | | |

57 PROCEEDING ENTRIES

1. 16-Oct-2015 FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 09/23/15
2. 16-Oct-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
e-Exhibits: 11/5/90 - 1 PL Y, 2 PL Y, 3 PL Y, 4 PL Y, 5 PL Y, 6 DE Y, 7 DE Y; 1/17/01 - 1 PL Y, 2 PL Y, 3 PL Y, 4 PL Y, 5 PL Y, 6 DE Y; 12/14/07 - 1 RE Y, 2 RE Y; 1/11/08 - 3 RE Y, 4 RE Y; 12/14/07 - 5 RE Y, 6 RE Y, 7 RE Y; 1/11/08 - 8 RE Y, 9 RE Y, 10 RE Y, 11 RE Y, 12 RE Y, 13 RE Y, 14 RE Y; 12/14/07 - 15 RE Y; 1/11/08 - 16 PL Y, 17 PL Y, 18 PL Y, 19 PL Y; 12/14/07 - 20 PL Y; 4/26/11 - 1 PL Y, 3 PL Y, 4 PL Y, 7 PL Y; 1/15/14 - 8 P Y; 9 P Y; Reporter's Transcript - 3/5/15 (Lisa A Chaney); Reporter's Transcript - 4/8/15 (M Lisa Edgar); Reporter's Transcript - 5/15/15 (Lisa A Chaney)
3. 21-Oct-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4. 21-Oct-2015 FILED: AMENDED Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
5. 28-Oct-2015 FILED: Notice of Filing and Service of Transcripts (Appellant)
6. 2-Nov-2015 RECEIPT No.: 2015-01524 ; \$280.00, Authorization: Ref106008311532, Applied to: UNITED STATES OF AMERICA - Class A Filing Fee (\$280.00) Paid for: John McDevitt - By Intresys Inc
7. 5-Nov-2015 FILED: Notice of Filing and Service of Transcript; Reporter's Transcript of Proceedings 8/21/15 (M. Lisa Edgar) (Appellant)
8. 6-Nov-2015 FILED: Appellee's Notice re: Appellees Fees Due/Appellant's Brief Due
9. 6-Nov-2015 FILED: Appellee's Notice of Paying Appellee Filing Fee; Certificate of Service (Appellee Salt River Valley Users, et al.)
10. 9-Nov-2015 RECEIPT No.: 2015-01564 ; \$140.00, Check Number: 0601, Applied to: PETER J. MOLLICK - Class B Filing Fee (\$140.00) Paid for: PETER J. MOLLICK - By PETER J. MOLLICK
11. 9-Nov-2015 FILED: Case Management Statement (Appellant)
12. 9-Nov-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Reporter's Transcript – 08/21/205 - (M. Lisa Edgar))
13. 12-Nov-2015 RECEIPT No.: 2015-01576 ; \$140.00, Authorization: 16004218507, Applied to: SALT RIVER PROJECT/SALT RIVER VALLEY WATER USERS A - Class B Filing Fee (\$140.00) Paid for: Salmon Lewis & Weldon PLC - By Integrated Resource Systems IN
14. 13-Nov-2015 FILED: Appellee's Notice of Paying Appellee Filing Fee; Certificate of Service (Appellee Yavapai-Apache Nation)
15. 17-Nov-2015 RECEIPT No.: 2015-01606 ; \$140.00, Authorization: #20025776552, Applied to: YAVAPAI-APACHE NATION - Class B Filing Fee (\$140.00) Paid for: Montgomery & Interpreter PLC - By Integrated Resource Systems IN
16. 17-Nov-2015 FILED: Appellee Verde Ditch Company's Notice of Paying Appellee Filing Fee; Certificate of Service
17. 19-Nov-2015 FILED: Courtesy Copy of Appellee's Notice of Paying Appellee Filing Fee (Appellee Mollick)
18. 20-Nov-2015 FILED: Appellee,s (sic) Notice of Paying Appellee Filing Fee (Appellee Bradford C Gordon, Pro Per)
19. 20-Nov-2015 RECEIPT No.: 2015-01628 ; \$140.00, Check Number: 4669, Applied to: BRADFORD C GORDON - Class B Filing Fee (\$140.00) Paid for: BRADFORD C GORDON - By BRADFORD C GORDON
20. 23-Nov-2015 FILED: Letter, 11/23/15, to Court from Appellee's Counsel re: submission of filing fee (Appellee Monroe Lane)
21. 23-Nov-2015 RECEIPT No.: 2015-01632 ; \$140.00, Authorization: 27008135748, Applied to: VERDE DITCH COMPANY - Class B Filing Fee (\$140.00) Paid for: L Richard Mabery - By Integrated Resource Systems IN
22. 27-Nov-2015 RECEIPT No.: 2015-01656 ; \$140.00, Authorization: #31005326572, Applied to: MONROE LANE NEIGHBORHOOD COALITION - Class B Filing Fee (\$140.00) Paid for: Brown & Brown Law Offices PC - By Integrated Resource Systems IN

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23. 4-Dec-2015 FILED: Unopposed Motion by the United States for Extension of Time for Filing Opening Brief as Appellant; Certificate of Service (Appellant)
24. 7-Dec-2015 ORDERED: Unopposed Motion by the United States for Extension of Time for Filing Opening Brief as Appellant (Appellant) = GRANTED. Due date EXTENDED from Monday, 12-21-2015 to Wednesday, 01-20-2016. Melina Brill ProTem Judge - Author
25. 18-Dec-2015 FILED: Motion to Associate Counsel Pro Hac Vice; Certificate of Service; Verified Application, Certificates, & Notice; Proposed Order (Appellant)
26. 19-Jan-2016 ORDERED: Motion to Associate Counsel Pro Hac Vice; Verified Application (Appellant) = GRANTED and permitting attorney John L Smeltzer of United States Department of Justice to appear pro hac vice as co-counsel for appellant w/ Patrick Barry of United States Department of Justice as local counsel. Barbara Vidal Vaught ProTem Judge - Author
27. 20-Jan-2016 FILED: Opening Brief for the United States as Appellant; Certificate of Compliance; Certificate of Service
28. 20-Jan-2016 FILED: Appendix to the Opening Brief for the United States as Appellant
29. 20-Jan-2016 FILED: Notice of Receipt of Complete Application (Pro Hac Vice); Certificates of Good Standing (Pro Hac Vice); Verified Application to the State Bar of Arizona (Pro Hac Vice) (Appellant)
30. 26-Jan-2016 FILED: Proposed Appellant - Intervenor Motion to Intervene and Memorandum of Points and Authorities in Support of Motion to Intervene; Certificate of Service (Intervenor)
31. 29-Jan-2016 FILED: Courtesy copy of Proposed Appellant - Intervenor Motion to Intervene and Memorandum of Points and Authorities in Support of Motion to Intervene (Intervenor)
32. 10-Feb-2016 FILED: Change of Address; Certificate of Service (Appellee)
33. 16-Feb-2016 FILED: Salt River Project's Response in Opposition to Motion to Intervene by Peter J. Mollick; Certificate of Service (Appellee)
34. 16-Feb-2016 FILED: Appellee Verde Ditch Company's Response to Motion to Intervene by Peter J. Mollick; Certificate of Service (Appellee)
35. 17-Feb-2016 FILED: Appellee Verde Ditch Company's Notice And Confirmation Of Correct E-mail Address; Certificate of Service (Appellee Verde Ditch)
36. 17-Feb-2016 FILED: Notice of Email Corrections; Certificate of Service (Appellee Mollick)
37. 17-Feb-2016 FILED: Peter J. Mollick's Reply Memorandum to Appellee Verde Ditch Company's Response to Motion to Intervene; Certificate of Service (Appellee)
38. 17-Feb-2016 FILED: Peter J. Mollick's Reply Memorandum to Appellee (sic) Salt River Project's Response to Motion to Intervene; Certificate of Service (Appellee)
39. 26-Feb-2016 FILED: Peter J. Mollick's Reply Memorandum to Appellee Salt River Project's Response to Motion to Intervene (Appellee Pro Per)
40. 29-Feb-2016 FILED: Notice that Yavapai-Apache Nation Will Not Be Filing A Response Brief to the United States' Opening Brief; Certificate of Service (Appellee)
41. 7-Mar-2016 FILED: Salt River Project's Request for Oral Argument; Certificate of Service (Appellee)
42. 7-Mar-2016 FILED: Arizona Department of Water Resources' Notice re Answering Brief; Certificate of Service (Appellee)
43. 7-Mar-2016 FILED: Answering Brief of Salt River Project; Certificate of Compliance; Certificate of Service (Appellee)
44. 7-Mar-2016 FILED: Answering Brief of Appellee Verde Ditch Company; Certificate of Compliance; Certificate of Service
45. 9-Mar-2016 ORDERED: Proposed Appellant - Intervenor Motion to Intervene and Memorandum of Points and Authorities in Support of Motion to Intervene (Intervenor) = DENIED. Hon Kent E Cattani Judge - Author
46. 22-Mar-2016 FILED: Unopposed Motion by the United States for Extension of Time for Filing Reply Brief as Appellant; Certificate of Service (Appellant)
47. 22-Mar-2016 FILED: Notice of Receipt of Completed Application for Appearance Pro Hac Vice; Certificate of Good Standing; Verified Application for Appearance Pro Hac Vice (Appellant)
48. 23-Mar-2016 ORDERED: Unopposed Motion by the United States for Extension of Time for Filing Reply Brief as Appellant (Appellant) = GRANTED. Due date EXTENDED from Monday, 04-04-2016 to Monday, 04-18-2016. Barbara Vidal Vaught ProTem Judge - Author

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57 PROCEEDING ENTRIES

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| 49. | 18-Apr-2016 | FILED: Reply Brief and Supplemental Appendix for United States as Appellant; Certificate of Compliance; Certificate of Service |
| 50. | 18-Apr-2016 | FILED: Notice of Receipt of Complete Application Pro Hac Vice; Certificate of Good Standing; Verified Application to the State Bar of Arizona (Pro Hac Vice) (Appellant) |
| 51. | 19-Apr-2016 | FILED: Notice of Receipt of Complete Application (Pro Hac Vice); Certificates of Good Standing; Verified Application to the State Bar of Arizona (Pro Hac Vice) (Appellant) |
| 52. | 19-Apr-2016 | FILED: Appellant United States' Request for Oral Argument; Certificate of Service (Appellant) |
| 53. | 11-May-2016 | ORDERED: Salt River Project's Request for Oral Argument (Appellee) and Appellant United States' Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author |
| 54. | 16-Jun-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Reporter's Transcript - 05/24/2016 - Hearing (Lisa A Chaney)) |
| 55. | 22-Jun-2016 | FILED: Arizona Department of Water Resources' Notice of Change of Address; Certificate of Service (Appellee Water Resources) |
| 56. | 19-Jul-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 57. | 20-Sep-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |