

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 16-0075**

**KLINGL et al. v HIDDEN VALLEY et al.**

<b>Appellate Case Information</b> Case Filed: 12-Feb-2016 Case Closed:	<b>Dept/Composition</b> <b>Department B</b> Hon. Randall M Howe Hon. Lawrence F Winthrop Hon. Jon W Thompson
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Consolidated with: 1 CA-CV 14-0780 1 CA-CV 15-0212

**Side 1. GARY KLINGL, as beneficiary of Sterling Trust Co. FBO Gary Frank Klingl; GERALD L. DEETZ and CAROL A. DEETZ, husband and wife, as a marital community; ROBERT ENGELSTAD and DOLORES ANN ENGELSTAD, husband and wife, as trustees of the Robert & Dolores Ann Engelstad Revocable Trust; PATRICK E. GALLAGHER and MARILYNN A. GALLAGHER, husband and wife, as trustees of the First Amended & Restated Patrick E. Gallagher Revocable Trust Agreement and the First Amended & Restated Marilynn A. Gallagher Revocable Trust Agreement; and WINSTON C. LISTER and ROSIE LISTER, husband and wife, as trustees for the Lister Family Revocable Trust , Appellee (Litigant Group) GARY F KLINGL et al.**

- Gary F Klingl
- Gerald L Deetz
- Carol A Deetz
- Robert C Engelstad
- Dolores Ann Engelstad
- Patrick E Gallagher
- Marilynn A Gallagher
- Winston C Lister
- Rosie Lister

**Attorneys for: Claimants/Appellee**  
Paul J Roshka, Jr, Esq. (AZ Bar No. 9285)  
Craig M Waugh, Esq. (AZ Bar No. 26524)

**Side 2. HIDDEN VALLEY RANCH I, LLC, an Arizona limited liability company; HIDDEN VALLEY RANCH II, LLC, an Arizona limited liability company; PHOENIX-TUCSON RANCH, LLC, an Arizona limited liability company; and PRIME EARTH DEVELOPMENT COMPANY, LLC, an Arizona limited liability company, Respondent/Appellant (Litigant Group) HIDDEN VALLEY RANCH I LLC et al.**

- Hidden Valley Ranch I LLC
- Hidden Valley Ranch II LLC
- Phoenix-Tucson Ranch LLC
- Prime Earth Development Company LLC

**Attorneys for: Respondents/Appellants**  
Scott M Theobald, Esq. (AZ Bar No. 12383)  
Mark A Nickel, Esq. (AZ Bar No. 24993)

**CASE STATUS**

Nov 28, 2016....Assigned

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2015-003361	Confirmation of Arbitration Awards		David B Gass, Authoring Judge of Order		

**23 PROCEEDING ENTRIES**

1.	12-Feb-2016	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/15/16
2.	12-Feb-2016	FILED: e-Record on Appeal: Instruments/Minute Entries
3.	23-Feb-2016	FILED: Notice to Parties re: Appellants' Fee/Case Management Statement/Brief Due

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**23 PROCEEDING ENTRIES**

4. 26-Feb-2016 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: Granting appellant's motion and consolidating case no. 1 CA-CV 16-0075 with the previously-consolidated case nos. 1 CA-CV 14-0780 and 1 CA-CV 15-0212. FURTHER ORDERED: Striking the Opening Brief filed in 1 CA-CV 14-0780 on 2/9/15. FURTHER ORDERED: Appellants shall file an Opening Brief in the consolidated appeal on or before 4/25/16. FURTHER ORDERED: Directing the clerk of this court to place this consolidated appeal on the first available calendar once it is at issue. FURTHER ORDERED: granting appellant's motion to stay the document-disclosure portion of the final judgment entered in Maricopa County CV2015-003361 on 1/15/16. Hon Donn Kessler - Author
5. 29-Feb-2016 ORDERED: amending this court's order dated 2/26/16. FURTHER ORDERED: Striking opening brief filed in 1 CA-CV 14-0780 on 2/9/15 and opening brief filed in 1 CA-CV 15-0212 on 6/7/15. Barbara Vidal Vaught ProTem Judge - Author
6. 24-Mar-2016 FILED: Notice fo Filing of Transcript; Certificate of Service (Transcript of 7/25/15 Oral Argument attached to Notice) (Appellants)
7. 24-Mar-2016 FILED: Case Management Statement for Court of Appeals Case No. 1 CA-CV 16-0075 (Appellants)
8. 25-Apr-2016 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service
9. 27-Apr-2016 FILED: Second Notice of Payment of Filing Fee; Certificate of Service (Appellant)
10. 27-Apr-2016 FILED: Appellants' Notice of Errata; Certificate of Service; Appellants' Opening Brief
11. 3-May-2016 RECEIPT No.: 2016-00516 ; \$280.00, Authorization: #23019806705, Applied to: HIDDEN VALLEY RANCH I LLC et al. - Class A Filing Fee (\$280.00) Paid for: Theobald Law PLC - By Integrated Resource Systems IN
12. 1-Jun-2016 FILED: Appellees' Answering Brief; Certificate of Compliance; Certificate of Service (Appellees)
13. 24-Jun-2016 FILED: Notice of Supplemental Authority; Certificate of Service (Appellees)
14. 27-Jun-2016 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
15. 1-Aug-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
16. 1-Aug-2016 FILED: AMENDED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
17. 4-Aug-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
18. 10-Oct-2016 FILED: Motion for Accelerated Disposition; Certificate of Service
19. 31-Oct-2016 FILED: Notice of Change of Firm's Mailing Address; Certificate of Service (Appellant)
20. 31-Oct-2016 FILED: Appellants' Response to Motion for Accelerated Disposition; Certificate of Service (Appellant)
21. 2-Nov-2016 FILED: Appellees' Response to Motion to Consolidate; Certificate of Service of Appellees' Response to Motion to Consolidate (Appellee)
22. 17-Nov-2016 ORDERED: Denying the Motion to Consolidate. FURTHER ORDERED: Denying Motion for Accelerated Disposition, but placing the appeal on the court's first available calendar. FURTHER ORDERED: Directing the clerk to schedule this appeal for consideration on the first available date on the court's regular calendar. Hon Diane M Johnsen - Author
23. 28-Nov-2016 CLNDR: CONFERENCE, Department B, 1-10-17, COURTROOM 2.