

Court of Appeals, Division One
Tax Appeal

1 CA-TX 14-0011

VESTAR v. MARICOPA

Appellate Case Information

Case Filed: 26-Aug-2014
Case Closed:

Dept/Composition
Department T

Consolidated with: 1 CA-TX 14-0003 1 CA-TX 14-0008 1 CA-TX 14-0012

Side 1. VESTAR DRM-OPCO, LLC, a Delaware limited liability company, Plaintiff/Appellant
(Litigant Group) VESTAR DRM-OPCO LLC

- Vestar DRM-OPCO LLC

Attorneys for: Plaintiff/Appellant

Brian W LaCorte, Esq. (AZ Bar No. 12237)

(Litigant Group) SCOTTSDALE/101 ASSOCIATES et al. (from TX14-0003 & TX14-0008)

- Scottsdale/101 Associates LLC
- Scottsdale 101 Retail LLC

Attorneys for: Plaintiff/Appellant Scottsdale

Brian W LaCorte, Esq. (AZ Bar No. 12237)
Brunn W Roysden, III, Esq. (AZ Bar No. 28698)

Side 2. MARICOPA COUNTY, a political subdivision of the State of Arizona, Defendant/Appellee
(Litigant Group) MARICOPA COUNTY

- Maricopa County

Attorneys for: Defendant/Appellee

Roberta S Livesay, Esq. (AZ Bar No. 10982)
Jeffrey Lawrence Hrycko, Esq. (AZ Bar No. 23280)

CASE STATUS

May 19, 2016....Pending Closure

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR ST2008-000083					
MAR TX2008-000519	Property Tax Classification		Dean M Fink, Authoring Judge of Order		

OPEN DUE DATE

Stay Request (re: Writ of Certiorari) due

Due By:

Friday, June 3, 2016

Re: Minute Letter of ASC: Petition for Review DENIED

2 PENDING MATTERS

General Motion

Filed: 14-Oct-2015

Statement of Costs (Appellant)

02/Nov/2015 FILED: Objections to Plaintiffs-Appellants' Statement Of Costs (Appellee)

General Motion

Filed: 14-Oct-2015

* Application for Award of Attorneys' Fees on Appeal; Affidavit of Brian W. LaCorte in Support of Application for Award of Attorneys' Fees on Appeal (Appellant)

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CASE DECISION

29-Sep-2015 **OPINION**

Kent Cattani.....Author
Lawrence Winthrop.....Concur
Randall Howe.....Concur

Filed: **29-Sep-2015** Mandate:

Decision Disposition

Reversed
Remanded

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-TX 14-0003	SCOTTSDALE/101 et al. v. MARICOPA CO.
1 CA-TX 14-0008	SCOTTSDALE 101 v. MARICOPA CO.
1 CA-TX 14-0012	VESTAR v. MARICOPA

36 PROCEEDING ENTRIES

1. 26-Aug-2014 FILED: Index of Record, Notice of Appeal Filed 7/18/14
2. 26-Aug-2014 FILED: e-Record on Appeal (TX2008-000519): Instruments/Minute Entries
3. 26-Aug-2014 FILED: e-Record on Appeal ST2008-000083: Instruments/Minute Entries
4. 3-Sep-2014 FILED: Notice to Counsel re: Appellant's Fee/Brief due
5. 17-Sep-2014 FILED: Appellant Vestar DRM-OPCO LLC'S NOTICE OF PAYING FILING FEE; Certificate of Service for Appellant VESTAR DRM-OPCO LLC'S NOTICE OF PAYING FILING FEE (Appellant)
6. 22-Sep-2014 RECEIPT No.: 2014-01172 ; \$280.00, Authorization: # 65010840371, Applied to: VESTAR DRM-OPCO LLC - Class A Filing Fee (\$280.00) Paid for: Ballard Spahr LLP - By Integrated Resource Systems IN
7. 24-Sep-2014 FILED: Request For Oral Argument; Certificate Of Service (Appellee)
8. 10-Oct-2014 FILED: Plaintiff/Appellant's Request for Extension of Time to File Opening Brief (First Request); Certificate of Service to Motion for Extension of Time (Appellant)
9. 14-Oct-2014 FILED: Stipulated Motion to Consolidate 1 CA TX 14-0011 INTO 1 CA TX 14-003 for Purposes of Appeal Only; Certificate of Service (Appellant)
10. 15-Oct-2014 ORDERED: Plaintiff/Appellant's Request for Extension of Time to File Opening Brief (First Request) (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 10-14-2014 to Thursday, 11-13-2014. Melina Brill ProTem Judge - Author
11. 23-Oct-2014 ORDERED: consolidating 1 CA-TX 14-0011 and 1 CA-TX 14-0012 with 1 CA-TX 14-0003. Case No. 1 CA-TX 14-0003 includes previously consolidated case 1 CA-TX 14-0008. Case no. 1 CA-TX 14-0003 is designated the primary number and the above caption should be used on all future documents filed in this appeal. FURTHER appellant Vestar DRM-OPCO, LLC, shall file an opening brief in 1 CA-TX 14-0011 and 1 CA-TX 14-0012 on/before 11/3/14. FURTHER appellee shall file an answering brief in 1 CA-TX 14-0011 and 1 CA-TX 14-0012 within seven days after service of Vestar DRM-OPCO, LLC's opening brief. Melina Brill ProTem Judge - Author
12. 3-Nov-2014 FILED: Brief of Plaintiff/Appellant Vestar DRM-OPCO LLC; Certificate of Compliance for Brief of Plaintiff/Appellant Vestar DRM-OPCO LLC; Certificate of Service for Brief of Plaintiff/Appellant Vestar DRM-OPCO LLC (Appellant)
13. 14-Nov-2014 FILED: Answering Brief Of Defendant-Appellee Maricopa County; Certificate of Compliance-Answering Brief; Certificate of Service-Answering Brief (Appellee)
14. 25-Nov-2014 CLNDR: MONTHLY COURT CASE CALENDAR, Department T, 1-27-15, 10:15 am, COURTROOM 2.
15. 8-Dec-2014 ORDERED granting the requests for oral argument. Oral argument will be scheduled in the normal course of the court's civil appeals calendar. Counsel will be notified of the date. Hon Diane M Johnsen - Author
16. 8-Dec-2014 FILED: Stipulated Motion To Reschedule Oral Argument; Certificate of Service (Appellee)

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17. 15-Dec-2014 ORDERED: Stipulated Motion To Reschedule Oral Argument; Certificate of Service (Appellee) = GRANTED/Oral Argument will be reset in due course. Hon Kent E Cattani Judge - Author
18. 17-Dec-2014 ORDERED: resetting oral argument on 2/10/15 at 10:00 am before Department B/T in Courtroom 2. Each side allocated twenty minutes. Hon Kent E Cattani Judge - Author
19. 19-Dec-2014 FILED: Return Receipt for Notice of Oral Argument , signed by Brian W LaCorte; Certificate of Service for Return Receipt for Notice of Oral Argument (Appellant)
20. 7-Jan-2015 FILED: Notice of Oral Argument
21. 12-Jan-2015 FILED: Amended Notice of Oral Argument
22. 14-Jan-2015 FILED: Amended Return Receipt For Notice Of Oral Argument; Certificate of Service (Appellee)
23. 14-Jan-2015 FILED: Return Receipt for Amended Notice of Oral Argument; Certificate of Service for Amended Return Receipt for Notice of Oral Argument (Appellant)
24. 27-Jan-2015 FILED: Memo, 1/27/15, to Clerk from Chief Judge, re: Judge Howe will substitute for Judge Swann
25. 10-Feb-2015 FILED: Sign-in Sheet/Case is Under Advisement (Dept B)
26. 29-Sep-2015 OPINION (Reversed, Remanded) Hon Kent E Cattani Judge - Author; Hon Lawrence F Winthrop - Concur; Hon Randall M Howe - Concur
27. 29-Sep-2015 FILED: Opinion Distribution List
28. 14-Oct-2015 FILED: Statement of Costs; Certificate of Service of Statement of Costs (Appellant)
29. 14-Oct-2015 FILED: Application for Award of Attorneys' Fees on Appeal; Certificate of Service of Application for Award of Attorneys' Fees on Appeal; Affidavit of Brian W. LaCorte in Support of Application for Award of Attorneys' Fees on Appeal (Appellant)
30. 28-Oct-2015 FILED: ASC order filed 10/28/15 re: extending time for filing Petition for Review to 11/30/15
31. 2-Nov-2015 FILED: Objections to Plaintiffs-Appellants' Statement Of Costs; Certificate of Service (Appellee)
32. 2-Nov-2015 FILED: Response In Opposition To Application For Award Of Attorneys' Fees On Appeal; Certificate of Service (Appellee)
33. 9-Nov-2015 FILED: Reply in Support of Application for Award of Attorneys' Fees on Appeal; Certificate of Service of Reply in Support of Application for Award of Attorneys' Fees on Appeal (Appellant)
34. 30-Nov-2015 FILED: Email Notice from ASC re: Petition for Review filed 11/30/15; request for partial record
35. 20-May-2016 FILED: Letter from ASC, 5/20/16, re: Petition for Review DENIED on 5/19/16; Request for Attorneys' Fees (Appellants Scottsdale/101 Associates) GRANTED
36. 9-Sep-2016 FILED: ASC Order filed 9/9/16 re: remanding this matter to trial court to determine amount of attorneys' fees to be awarded to Appellants.