

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 21-0305**

**AL-KHATTAB v. TEMPE**

**Appellate Case Information**

Case Filed: 28-May-2021

Case Closed:

**Dept/Composition**

**Side 1. MASJID OMAR IBN AL-KHATTAB, Plaintiff/Appellee/Cross-Appellant**

(Litigant Group) MASJID OMAR IBN AL-KHATTAB

- Masjid Omar Ibn Al-Khattab

**Attorneys for: Plaintiff/Appellee-Cross Appellant**

Colin F Campbell, Esq. (AZ Bar No. 4955)

Heather A. Robles, Esq. (AZ Bar No. 36790)

**Side 2. CITY OF TEMPE, Defendant/Appellant/Cross-Appellee**

(Litigant Group) CITY OF TEMPE

- City of Tempe

**Attorneys for: Defendant/Appellant-Cross Appellee**

Michael R Niederbaumer, Esq. (AZ Bar No. 31931)

Sarah R Anchors, Esq. (AZ Bar No. 25344)

Sonia M Blain, Esq. (AZ Bar No. 7697)

**Side 3. MOONSHADOW PROPERTIES, LLC, Intervenor/Appellant/Cross-Appellee**

(Litigant Group) MOONSHADOW PROPERTIES, LLC

- Moonshadow Properties LLC

**Attorneys for: Intervenor/Appellant-Cross Appellee**

Robert A Mandel, Esq. (AZ Bar No. 22936)

**CASE STATUS**

Feb 25, 2022....Stayed

**PREDECESSOR CASE(S)**

MAR LC2019-000395-001

**Cause/Charge/Class**

Complaint for Special Action

**Judgment/Sentence**

**Judge, Role <Comments>**

James D Smith, Authoring Judge of Order

**Trial**

**Dispo**

**OPEN DUE DATE**

**Court Ordered Document due**

**Due By:**

Wednesday, July 10, 2024

Re: \* ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file a status report by 07/10/2024, if notice pursuant to the previous paragraph is not filed before that date.

Barbara Vidal Vaught ProTem Judge -

**PENDING MATTER**

**Div 1 Request for Oral Argument**

Filed: 17-Nov-2021

Request for Oral Argument (Appellee/Cross-Appellant)

**52 PROCEEDING ENTRIES**

- 28-May-2021 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/30/21
- 2-Jun-2021 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
- 2-Jun-2021 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 15-Jun-2021 FILED: Notice of Appearance and Filing Fee Payment; Certificate of Service (Appellant Moonshadow)
- 21-Jun-2021 RECEIPT No.: 2021-00652 ; \$280.00, Authorization: #72011187529, Applied to: MOONSHADOW PROPERTIES, LLC - Class A Filing Fee (\$280.00) Paid for: Zuber Lawler - By nCourt LLC
- 22-Jun-2021 FILED: Case Management Statement and Certificate of Service (Appellant Moonshadow)
- 22-Jun-2021 FILED: Case Management Statement (Appellant City of Tempe)

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8. 29-Jun-2021 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
9. 30-Jun-2021 FILED: Letter, 6/30/21, from Appellee to Court re: payment of Appellee filing fee (Appellee)
10. 6-Jul-2021 RECEIPT No.: 2021-00736 ; \$140.00, Authorization: #87023319874, Applied to: MASJID OMAR IBN AL-KHATTAB - Class B Filing Fee (\$140.00) Paid for: Osborn Maledon PA - By nCourt LLC
11. 20-Jul-2021 FILED: Joint Motion for Procedural Order Extending Deadlines for Opening Briefs; Certificate of Service (Appellant Moonshadow)
12. 21-Jul-2021 ORDERED: Joint Motion for Procedural Order Extending Deadlines for Opening Briefs (Appellant) = GRANTED. Due dates EXTENDED from Monday, 08-02-2021 to Thursday, 09-02-2021. If briefs are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
13. 28-Jul-2021 FILED: Case Management Statement (Appellee)
14. 30-Aug-2021 FILED: Reporter's Transcript - 09/11/2020 - Oral Argument (Kimberly McCright); Certificate of Service (Appellant City)
15. 30-Aug-2021 FILED: Reporter's Transcript - 12/11/2020 - Oral Argument (Kimberly McCright); Certificate of Service (Appellant City)
16. 2-Sep-2021 FILED: Emergency Motion for Procedural Order Extending Opening Brief Deadline Due to Hard Drive Malfunction; Certificate of Service (Appellant Moonshadow)
17. 2-Sep-2021 ORDERED: Emergency Motion for Procedural Order Extending Opening Brief Deadline Due to Hard Drive Malfunction (Appellant) = GRANTED. Due dates EXTENDED from Thursday, 09-02-2021 to Tuesday, 09-07-2021. If the briefs are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
18. 7-Sep-2021 FILED: Opening Brief of Defendant/Appellant City of Tempe; Certificate of Compliance Re Opening Brief of Defendant/Appellant City of Tempe; Certificate of Service Re Opening Brief of Defendant/Appellant City of Tempe; Addendum Re Opening Brief of Defendant/Appellant City of Tempe (Appellant City of Tempe)
19. 7-Sep-2021 FILED: Opening Brief of Moonshadow Properties; Certificate of Compliance; Certificate of Service (Appellant Moonshadow)
20. 4-Oct-2021 FILED: Plaintiff/Appellee/Cross-Appellant's Unopposed Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee/Cross-Appellant)
21. 5-Oct-2021 ORDERED: Amending the caption in this appeal by adding the designations of "cross-appellant" and "cross-appellees." The caption shown on this order shall be used on all future documents filed in this appeal. FURTHER ORDERED: An additional \$140.00 filing fee, payable to the clerk of the court, due from appellee/cross-appellant by 10/15/2021. FURTHER ORDERED: Answering brief/cross-appeal opening brief due 10/25/2021. Melina Brill ProTem Judge - Author
22. 5-Oct-2021 FILED: Letter, 10/05/21, from Appellee/Cross-Appellant to Court re: additional \$140 filing fee (Appellee/Cross-Appellant)
23. 6-Oct-2021 ORDERED: Plaintiff/Appellee/Cross-Appellant's Unopposed Motion for Extension of Time to File Answering Brief (Appellee/Cross-Appellant) = GRANTED. Due date EXTENDED from Monday, 10-25-2021 to Wednesday, 11-17-2021. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
24. 12-Oct-2021 RECEIPT No.: 2021-01116 ; \$140.00, Authorization: #85006974046, Applied to: MASJID OMAR IBN AL-KHATTAB - Class A Upgrade Fee (A-B) (\$140.00) Paid for: Osborn Maledon PA - By nCourt LLC
25. 17-Nov-2021 FILED: Plaintiff/Appellee/Cross-Appellant's Answering Brief, Opening Brief on Cross-Appeal, and Appendix; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
26. 17-Nov-2021 FILED: Request for Oral Argument; Certificate of Service (Appellee/Cross-Appellant)
27. 6-Dec-2021 FILED: Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline; Certificate of Service re Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline (Appellant/Cross-Appellee City of Tempe)
28. 6-Dec-2021 ORDERED: Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline (Appellant/Cross-Appellee City of Tempe) = GRANTED. Due dates EXTENDED from Monday, 12-27-2021 to Wednesday, 01-26-2022. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
29. 21-Jan-2022 FILED: Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline; Certificate of Service re Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline (Appellant/Cross-Appellee City of Tempe)
30. 24-Jan-2022 ORDERED: Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline (submitted by Appellant/Cross-Appellee City of Tempe) = GRANTED. Due dates EXTENDED from Wednesday, 01-26-2022 to Friday, 02-25-2022. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author

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31.	24-Jan-2022	DUPLICATE ORDER: Joint Motion for Procedural Order Extending Reply/Answering Briefs Deadline (submitted by Appellant/Cross-Appellee City of Tempe) = GRANTED. Due dates EXTENDED from Wednesday, 01-26-2022 to Friday, 02-25-2022. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
32.	18-Feb-2022	FILED: Motion by Appellants City of Tempe and Moonshadow Properties, L.L.C. for Procedural Order Extending Reply/Answering Briefs Deadline and Request for Expedited Consideration; Certificate of Service (Appellant/Cross-Appellees City)
33.	18-Feb-2022	FILED: Corrected Motion by Appellants City of Tempe and Moonshadow Properties, L.L.C. for Procedural Order Extending Reply/Answering Briefs Deadline and Request for Expedited Consideration; Certificate of Service (Appellant/Cross-Appellees City)
34.	18-Feb-2022	ORDERED: Vacating 02/25/2022 due date for reply briefs/cross-appeal answering briefs. Order ruling on pending extension motion will set a due date for briefs. Melina Brill ProTem Judge - Author
35.	21-Feb-2022	FILED: Response to Corrected Motion by Appellants City of Tempe and Moonshadow Properties, L.L.C. for Procedural Order Extending Reply/Answering Brief Deadline; Certificate of Service (Appellee/Cross-Appellant)
36.	22-Feb-2022	FILED: Reply in Support of Motion by Appellants City of Tempe and Moonshadow Properties, L.L.C. for Procedural Order Extending Reply/Answering Briefs Deadline; Certificate of Service re Reply in Support of Motion by Appellants City of Tempe and Moonshadow Properties, L.L.C. for Procedural Order Extending Reply/Answering Briefs Deadline (Appellant/Cross-Appellees City)
37.	25-Feb-2022	ORDERED: Staying appeal pending further order. FURTHER ORDERED: Within 10 days after resolution of superior court action concerning the challenge to the ordinance, appellants/cross-appellees shall notify this court of such resolution and indicate whether they intend to pursue appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file status report by 08/26/2022, if notice pursuant to previous paragraph is not filed before that date. Hon Kent E Cattani - Author
38.	22-Aug-2022	FILED: Notice of Substitution of Attorney for Governmental Entity; Certificate of Service re Substitution of Attorney for Governmental Entity (Appellant/Cross-Appellee City of Tempe)
39.	26-Aug-2022	FILED: Status Report; Certificate of Service re Status Report (Appellant/Cross-Appellee City)
40.	30-Aug-2022	ORDERED: Continuing stay of appeal. FURTHER ORDERED: Within 10 days after resolution of superior court action concerning ordinance, appellants/cross-appellees shall notify this court of such resolution and indicate whether they intend to pursue appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file status report by 12/16/2022, if notice pursuant to previous paragraph is not filed before that date. Melina Brill ProTem Judge - Author
41.	15-Dec-2022	FILED: Status Report; Certificate of Service re Status Report (Appellant/Cross-Appellee City)
42.	15-Dec-2022	FILED: First Amended Certificate of Service re Status Report (Appellant/Cross-Appellee City)
43.	16-Dec-2022	ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: Within 10 days after resolution of superior court action concerning the ordinance, appellants/cross-appellees shall notify this court of such resolution and indicate whether they intend to pursue appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file a status report by 05/05/2023, if notice pursuant to previous paragraph is not filed before that date. Melina Brill ProTem Judge - Author
44.	11-Jan-2023	FILED: Notice of Withdrawal of Counsel from Within a Firm; Certificate of Service (Appellee/Cross-Appellant)
45.	5-May-2023	FILED: Status Report; Certificate of Service re Status Report (Appellant/Cross-Appellee City)
46.	9-May-2023	ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: Within 10 days after resolution of case no. LC2022-000045, appellants/cross-appellees shall notify this court of such resolution and indicate whether they intend to pursue this appeal. FURTHER ORDERED: Directing appellants/ cross-appellees to file a status report by 08/04/2023, if notice pursuant to the previous paragraph is not filed before that date. Melina Brill ProTem Judge - Author
47.	3-Aug-2023	FILED: Status Report; Certificate of Service Re Status Report (Appellant/Cross-Appellee City)
48.	7-Aug-2023	ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: Within 10 days after resolution of case no. LC2022-000045, appellants/cross-appellees shall notify this court of such resolution and indicate whether they intend to pursue this appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file a status report by 11/06/2023, if notice pursuant to the previous paragraph is not filed before that date. Melina Brill ProTem Judge - Author
49.	6-Nov-2023	FILED: Status Report; Certificate of Service Re Status Report (Appellant/Cross-Appellee City)
50.	7-Nov-2023	ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file a status report by 03/08/2024, if notice pursuant to the previous paragraph is not filed before that date. Melina Brill ProTem Judge - Author
51.	6-Mar-2024	FILED: Status Report; Certificate of Service Re Status Report (Appellant/Cross-Appellee City)

**Court of Appeals, Division One**

**Civil Appeal**

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**52 PROCEEDING ENTRIES**

52. 12-Mar-2024 ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: Directing appellants/cross-appellees to file a status report by 07/10/2024, if notice pursuant to the previous paragraph is not filed before that date. Barbara Vidal Vaught ProTem Judge - Author