

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0532

SURPRISE v. CIRCLE CITY WATER/LAKE

Appellate Case Information

Case Filed: 25-Aug-2022

Case Closed:

Dept/Composition

Department E

Hon. Cynthia J Bailey
Hon. Jennifer B Campbell
Hon. David D Weinzwieg

Side 1. CITY OF SURPRISE, Plaintiff/Appellee

(Litigant Group) CITY OF SURPRISE

- City of Surprise

Co-Counsel for: Plaintiff/Appellee

Robert A Henry, Esq. (AZ Bar No. 15104)

Robert W Wingo, Esq. (AZ Bar No. 23534)

Side 2. CIRCLE CITY WATER COMPANY, LLC, Defendant/Appellee

(Litigant Group) CIRCLE CITY WATER COMPANY, LLC

- Circle City Water Company LLC, Cross-Claimant

Attorneys for: Defendant/Appellee

Meghan Grabel, Esq. (AZ Bar No. 21362)

Phillip W Londen, Esq. (AZ Bar No. 32488)

Elias J Ancharski, Esq. (AZ Bar No. 35590)

Side 3. LAKE PLEASANT 5000, LLC, et al., Defendant/Appellant

(Litigant Group) LAKE PLEASANT 5000, LLC, et al.

- Lake Pleasant 5000 LLC, Counter-Claimant
- Harvard Investments Inc
- Rex Maughan
- Ruth Maughan
- Maughan Revocable Trust of 2007 dated August 24 2007

Attorneys for: Defendant/Appellant Lake et al.

Dale S Zeitlin, Esq. (AZ Bar No. 6615)

Casandra C. Markoff, Esq. (AZ Bar No. 33990)

CASE STATUS

Nov 20, 2023....Pending in ASC

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2018-011038	Eminent Domain/Condemnation		Joseph P Mikitish, Authoring Judge of Order		

DESCENDENT CASE (S)

ASC CV-23-0261-PR

CASE DECISION

21-Sep-2023 MEMORANDUM DECISION

Jennifer Campbell.....Author

Cynthia Bailey.....Concur

David Weinzwieg.....Concur

Filed: 21-Sep-2023

Mandate:

Decision Disposition

Affirmed

51 PROCEEDING ENTRIES

- 25-Aug-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/28/22
- 25-Aug-2022 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
- 25-Aug-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 26-Aug-2022 FILED: Appellants' Notice of Fee Payment; Certificate of Service (Appellant)
- 31-Aug-2022 RECEIPT No.: 2022-00919 ; \$280.00, Authorization: #43009599188, Applied to: LAKE PLEASANT 5000, LLC, et al. - Class A Filing Fee (\$280.00) Paid for: Zeitlin & Zeitlin PC - By nCourt LLC

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6.	6-Sep-2022	FILED: Case Management Statement; Certification of Service (Appellant)
7.	9-Sep-2022	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
8.	14-Sep-2022	FILED: Notice of Appearance; Certificate of Service (Appellee Circle City)
9.	20-Sep-2022	RECEIPT No.: 2022-00998 ; \$140.00, Authorization: 63005086449, Applied to: CIRCLE CITY WATER COMPANY, LLC - Class B Filing Fee (\$140.00) Paid for: Osborn Maledon PA - By nCourt LLC
10.	23-Sep-2022	FILED: Appellants' Motion for Procedural Order: Request for Extension to File Opening Brief; Certificate of Service (Appellant)
11.	26-Sep-2022	ORDERED: Appellants' Motion for Procedural Order: Request for Extension to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 10-24-2022 to Friday, 12-09-2022. If brief is not timely filed, court will dismiss appeal. Barbara Vidal Vaught ProTem Judge - Author
12.	8-Dec-2022	FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
13.	8-Dec-2022	FILED: Request for Oral Argument; Certificate of Service (Appellant)
14.	16-Dec-2022	FILED: Unopposed Motion for Procedural Order Extending Time to File Answering Briefs; Certificate of Service (Appellee Circle City)
15.	19-Dec-2022	ORDERED: Unopposed Motion for Procedural Order Extending Time to File Answering Briefs (Appellee Circle City) = GRANTED. Due date EXTENDED from Tuesday, 01-17-2023 to Tuesday, 01-31-2023. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Barbara Vidal Vaught - Author
16.	31-Jan-2023	FILED: Appellee's Answering Brief; Certificate of Compliance to Appellee's Answering Brief; Certificate of Service to Appellee's Answering Brief (Appellee City of Surprise)
17.	31-Jan-2023	FILED: Defendant/Cross-Claimant/Appellee Circle City Water Company, LLC's Answering Brief and Appendix; Certificate of Compliance; Certificate of Service (Appellee Circle City)
18.	7-Feb-2023	FILED: Appellants' Motion for Procedural Order: Request for Extension of Time to File Reply Briefs; Certificate of Service (Appellant)
19.	8-Feb-2023	ORDERED: Appellants' Motion for Procedural Order: Request for Extension of Time to File Reply Briefs (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 02-21-2023 to Tuesday, 03-07-2023. 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
20.	28-Feb-2023	FILED: Notice of Filing Transcript; Certificate of Service; Reporter's Transcript - 04/09/2020 - Status Conference (Jacob Ruleaux) (Appellant)
21.	28-Feb-2023	FILED: Reporters Transcript (04/09/20 [Jacob Ruleaux])
22.	2-Mar-2023	FILED: Notice of Withdrawal of Counsel From Within a Firm; Certificate of Service (Appellee Circle City)
23.	6-Mar-2023	FILED: Notice of Withdrawal of Attorney Within Firm; Certificate of Service to Notice of Withdrawal of Attorney Within Firm (Appellee City of Surprise)
24.	7-Mar-2023	FILED: Appellants' Reply to The City of Surprise's Answering Brief; Certificate of Compliance; Certificate of Service (Appellant)
25.	7-Mar-2023	FILED: Appellants' Reply to Circle City's Answering Brief; Certificate of Compliance; Certificate of Service (Appellant)
26.	9-Mar-2023	FILED: Motion for Leave to File Corrected Answering Brief; Certificate of Service to Motion for Leave to File Corrected Answering Brief (Appellee) (Includes Amended Answering Brief)
27.	16-Mar-2023	FILED: Request for Oral Argument; Certificate of Service to Request for Oral Argument (Appellee)
28.	28-Mar-2023	ORDERED: Motion for Leave to File Corrected Answering Brief (Appellee) = GRANTED and accepting the corrected answering brief filed on 03/09/2023, attached to the motion for leave, in place of the brief filed on 01/31/2023. Melina Brill ProTem Judge - Author
29.	31-Mar-2023	ORDERED: Request for Oral Argument (Appellee)/Request for Oral Argument (Appellant) = GRANTED. Hon Kent E Cattani - Author
30.	3-Apr-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
31.	10-Apr-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
32.	28-Apr-2023	FILED: Notice of Oral Argument

Court of Appeals, Division One**Civil Appeal****1 CA-CV 22-0532****SURPRISE v. CIRCLE CITY WATER/LAKE****51 PROCEEDING ENTRIES**

33.	1-May-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Dale Zeitlin on 04/28/2023 (Appellant)
34.	3-May-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Robert Henry on 04/28/2023 (Appellee City of Surprise)
35.	1-Jun-2023	FILED: Appellants' Supplemental Citation of Legal Authority; Certificate of Service (Appellant)
36.	16-Jun-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 6-22-23, 10:15 am, COURTROOM 1.
37.	22-Jun-2023	FILED: Notice of Supplemental Authority; Certificate of Service (Appellee Circle City)
38.	22-Jun-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 06/22/2023
39.	30-Jun-2023	FILED: Appellants' Supplemental Citation of Legal Authority Re: Standing and Public Use; Certificate of Service (Appellant)
40.	30-Jun-2023	FILED: Appellants' Supplemental Citation of Legal Authority Re: Loss of Economic Use and Value; Certificate of Service (Appellant)
41.	21-Sep-2023	MEMORANDUM DECISION (Affirmed) Hon Jennifer B Campbell - Author; Hon Cynthia J Bailey - Concur; Hon David D Weinzwieg - Concur
42.	21-Sep-2023	FILED: Memorandum Decision Distribution List
43.	5-Oct-2023	FILED: Application for Attorneys' Fees; Certificate of Service; Declaration of Meghan H. Grabel in Support of Application for Attorneys' Fees (Appellee Circle City)
44.	5-Oct-2023	FILED: Statement of Costs; Certificate of Service; Exhibit A (Appellee Circle City)
45.	18-Oct-2023	FILED: Opposition to Application for Attorney's Fees; Opposition to Application for Attorney's Fees (Certificate of Service) (Appellant)
46.	19-Oct-2023	FILED: ASC Order filed 10/19/2023 re: extending time for filing Petition for Review to 11/17/2023.
47.	25-Oct-2023	FILED: Reply in Support of Application for Attorneys' Fees; Certificate of Service (Appellee Circle City)
48.	2-Nov-2023	ORDERED: Application for Attorneys' Fees/Statement of Costs (Appellee Circle City) = GRANTED and awarding Circle City Water Company, LLC \$36,774.30 in attorneys' fees and \$197.25 in taxable costs for a total of \$36,971.55. Hon Jennifer B Campbell - Author
49.	20-Nov-2023	FILED: Email Notice from ASC re: Petition for Review filed 11/17/2023; request for partial record
50.	20-Nov-2023	FILED: Letter forwarding partial record to Arizona Supreme Court
51.	27-Nov-2023	FILED: ASC Order filed 11/27/2023 re: granting a first extension of time to file the responses to petition for review on or before 01/11/2024.