

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0350

WHITMER v. HILTON CASITAS

Appellate Case Information

Case Filed: 16-Jun-2023

Case Closed: 10-Jul-2023

Reinstated x 1: 2-Aug-2023 Abandoned

Re-Closed:

Dept/Composition

Department F

Hon. Daniel J Kiley
Hon. Kent E Cattani
Hon. D Steven Williams

Side 1. R. L. WHITMER, Plaintiff/Appellant

(Litigant Group) R L WHITMER

- R L Whitmer

Attorneys for: Plaintiff/Appellant

Ross P Meyer, Esq. (AZ Bar No. 28473)

Side 2. HILTON CASITAS HOMEOWNERS ASSOCIATION, Defendant/Appellee

(Litigant Group) HILTON CASITAS HOMEOWNERS ASSOCIATION

- Hilton Casitas Homeowners Association

Attorneys for: Defendant/Appellee

Edith I Rudder, Esq. (AZ Bar No. 20650)

Jennifer Putnam Ooms, Esq. (AZ Bar No. 36958)

CASE STATUS

Mar 4, 2024.....Pending in ASC

Aug 2, 2023.....Reinstated Case

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2022-014709, Breach of Contract, John Christian Rea, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-24-0047-PR

CASE DECISION

30-Jan-2024 MEMORANDUM DECISION

Daniel Kiley.....Author

Kent Cattani.....Concur

D Williams.....Concur

Filed: 30-Jan-2024

Mandate:

Decision Disposition

Affirmed

33 PROCEEDING ENTRIES

- 1. 16-Jun-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/19/23
2. 16-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 16-Jun-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 10-Jul-2023 FILED: Letter, 07/10/2023, to Clerk, Maricopa County Superior Court, Re: Pursuant to A.R.S. 12-322A appeal shall be deemed abandoned. No record to be returned.
5. 10-Jul-2023 FILED: Motion for Procedural Order to Reinstate Case; Certificate of Service (Appellant)
6. 13-Jul-2023 RECEIPT No.: 2023-00630 ; \$280.00, Authorization: 94011477506, Applied to: R L WHITMER - Class A Filing Fee (\$280.00) Paid for: Meyer & Partners, PLLC - By nCourt LLC
7. 24-Jul-2023 FILED: Appellee's Response to Appellant's Motion for Procedural Order to Reinstate Case; Certificate of Service (Appellee)
8. 31-Jul-2023 FILED: Reply in Support of Appellant's Motion for Procedural Order to Reinstate Case; Certificate of Service; Certificate of Service (Appellant)
9. 31-Jul-2023 FILED: Certificate of Service (Appellant)
10. 1-Aug-2023 FILED: Appellee Hilton Casitas Homeowners Association's Notice of Payment of Appellee's Filing Fee; Certificate of Service (Appellee)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0350****WHITMER v. HILTON CASITAS****33 PROCEEDING ENTRIES**

11. 1-Aug-2023 FILED: Notice of Errata (Case Management Statement); Certificate of Service (Appellant)
12. 2-Aug-2023 ORDERED: Motion for Procedural Order to Reinstate Case (Appellant) = GRANTED and reinstating this appeal. FURTHER ORDERED: The opening brief is due on 08/15/2023. Melina Brill ProTem Judge - Author
13. 9-Aug-2023 RECEIPT No.: 2023-00729 ; \$140.00, Authorization: #21007771252. Applied to: HILTON CASITAS HOMEOWNERS ASSOCIATION - Class B Filing Fee (\$140.00) Paid for: Carpenter Hazlewood Delgado & Bolen LLP - By nCourt LLC
14. 15-Aug-2023 FILED: Opening Brief; Certificate of Compliance - Opening Brief; Certificate of Service - Opening Brief; Appendix (Appellant)
15. 2-Oct-2023 FILED: Appellee's Answering Brief; Certificate of Compliance Re: Appellee's Answering Brief; Certificate of Service Re: Appellee's Answering Brief (Appellee)
16. 23-Oct-2023 FILED: Appellant's Motion for Procedural Order to Deem the Appeal Submitted for Decision Based on the Opening Brief and the Record; Certificate of Service – Motion for Procedural Order (Appellant)
17. 23-Oct-2023 FILED: Reply Brief; Certificate of Compliance – Reply Brief; Certificate of Service - Reply Brief (Appellant)
18. 25-Oct-2023 FILED: Appellee's Opposition to Appellant's Motion for Procedural Order to Deem the Appeal Submitted for Decision Based on the Opening Brief and the Record and Request for Extension; Certificate of Service (Appellee)
19. 25-Oct-2023 FILED: Appellee's Notice of Withdrawal of Attorney; Certificate of Service (Appellee)
20. 30-Oct-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21. 2-Nov-2023 ORDERED: Appellant's Motion for Procedural Order to Deem the Appeal Submitted for Decision Based on the Opening Brief and the Record (Appellant) = DENIED. FURTHER ORDERED: Accepting the answering brief filed on 10/02/2023. Melina Brill ProTem Judge - Author
22. 9-Nov-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
23. 24-Nov-2023 CLNDR: CONFERENCE, Department F, 1-11-24, CONFERENCE ROOM.
24. 30-Jan-2024 MEMORANDUM DECISION (Affirmed) Hon Daniel J Kiley - Author; Hon Kent E Cattani - Concur; Hon D Steven Williams - Concu
25. 30-Jan-2024 FILED: Decision Distribution Notification
26. 13-Feb-2024 FILED: Appellee's Verified Application for Attorneys' Fees and Taxable Costs on Appeal; Certificate of Service; Declaration of Edith I Rudder in Support of Verified Application of Attorneys' Fees & Taxable Costs on Appeal; Judgment (Proposed Order to Appellee's Verified Application for Attorneys' Fees and Taxable Costs on Appeal) (Appellee)
27. 14-Feb-2024 FILED: Appellant's Motion for Reconsideration; Certificate of Compliance-Motion for Reconsideration; Certificate of Service-Motion for Reconsideration (Appellant)
28. 16-Feb-2024 ORDERED: Appellant's Motion for Reconsideration (Appellant) = DENIED. Hon Daniel J Kiley - Author
29. 28-Feb-2024 FILED: Appellant's Objection to Appellee's Application for Attorneys' Fees and Costs on Appeal; Certificate of Service – Opposition to Attorneys' Fees Application (Appellant)
30. 4-Mar-2024 FILED: Email Notice from ASC re: Petition for Review filed 03/04/2024; request for partial record
31. 6-Mar-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
32. 6-Mar-2024 FILED: Notice of Association of Counsel within Firm; Certificate of Service of Notice of Association of Counsel within Firm (Appellee)
33. 11-Mar-2024 (ORDERED:) Appellee's Verified Application for Attorneys' Fees (Appellee) = DENIED. ORDERED: Appellee's Verified Application for Taxable Costs on Appeal = GRANTED and awarding costs of \$189.43 to Appellee Hilton Casitas. Hon Daniel J Kiley - Author