

Court of Appeals, Division One

Civil Appeal

1 CA-CV 24-0095

WHITMER, et al. v. HILTON/PROCACCIANTI

Appellate Case Information

Case Filed: 14-Feb-2024

Case Closed:

Dept/Composition

Consolidated with:

1 CA-CV 24-0108

1 CA-CV 24-0110

1 CA-CV 24-0114

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

(Litigant Group) R. L. WHITMER, et al.

- R L Whitmer
- Colleen London

Attorneys for: Plaintiffs/Appellants

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

(Litigant Group) ZADOK ELI, et al. (1 CA- CV 24-0110)

- Zadok Eli PRO SE
- Hana Eli PRO SE

Side 2. HILTON CASITAS COUNCIL OF HOMEOWNERS, Defendant/Appellee

(Litigant Group) HILTON CASITAS COUNCIL OF HOMEOWNERS

- Hilton Casitas Council of Homeowners

Attorneys for: Defendant/Appellee

R Corey Hill, Esq. (AZ Bar No. 12188)

Ginette M Hill, Esq. (AZ Bar No. 18272)

Christopher Robbins, Esq. (AZ Bar No. 11064)

Side 3. PROCACCIANTI AZ II, LP, Intervenor/Appellee

(Litigant Group) PROCACCIANTI AZ II, LP

- Procaccianti AZ II LP

Attorneys for: Intervenor/Appellee

Andrew M Federhar, Esq. (AZ Bar No. 6567)

Jessica Anne Gale, Esq. (AZ Bar No. 30583)

PREDECESSOR CASE (S)

Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2015-053091 Request for Receiver		Melissa Iyer Julian, Authoring Judge of Order		

OPEN DUE DATE

Opening Brief due

Due By:

Tuesday, August 27, 2024

Re: FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due

CASE DECISION

28-Mar-2024 ORDER

\*\*\*Vacated\*\*\*

\* ORDERED: Dismissing this appeal. FURTHER ORDERED: Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals and Motion to Correct Caption in Appeals (Appellee) = DENIED. FURTHER ORDERED: Denying the motion to correct caption as the caption refl

Filed: 28-Mar-2024

Mandate:

Decision Disposition

Dismissed

David Gass.....Author

23 PROCEEDING ENTRIES

- 14-Feb-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/16/24
- 14-Feb-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
- 14-Feb-2024 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 24-0095****WHITMER, et al. v. HILTON/PROCACCIANTI****23 PROCEEDING ENTRIES**

4.	5-Mar-2024	RECEIPT No.: 2024-00219 ; \$280.00, Authorization: #65007339184, Applied to: R. L. WHITMER, et al. - Class A Filing Fee (\$280.00) Paid for: R. L. WHITMER, et al. - By nCourt LLC
5.	11-Mar-2024	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
6.	11-Mar-2024	FILED: Settlement Conference Program Notice
7.	12-Mar-2024	FILED: Intervenor/Appellee Procaccianti AZ II, L.P.'s Notice of Payment of Filing Fee; Intervenor/Appellee Procaccianti AZ II, L.P.'s Certificate of Service of Notice of Payment of Filing Fee (Appellee Procaccianti)
8.	12-Mar-2024	FILED: Notice of Appellee's Filing Fee for Hilton Casitas Council of Homeowners; Certificate of Service (Appellee Hilton)
9.	15-Mar-2024	FILED: Procaccianti's Joinder in Appellants [sic] Motion to Consolidate 1-CA-CV-0108, 1-CA-CV-24-0110 and 1-CA-CV-0114 with 1-CA-CV-0095; Certificate of Service of Procaccianti's Joinder in Appellants [sic] Motion to Consolidate 1-CA-CV-0108, 1-CA-CV-24-0110 and 1-CA-CV-0114 with 1-CA-CV-0095 (Appellee Procaccianti)
10.	18-Mar-2024	RECEIPT No.: 2024-00264 ; \$140.00, Authorization: #78012422198, Applied to: HILTON CASITAS COUNCIL OF HOMEOWNERS - Class B Filing Fee (\$140.00) Paid for: Hill Hall & DeCiancio PLC - By nCourt LLC
11.	18-Mar-2024	RECEIPT No.: 2024-00268 ; \$140.00, Authorization: #78012422198, Applied to: PROCACCIANTI AZ II, LP - Class B Filing Fee (\$140.00) Paid for: Spencer Fane LLP - By nCourt LLC
12.	18-Mar-2024	FILED: Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals and Motion to Correct Caption in Appeals; Certificate of Service - Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals -and Motion to Correct Caption in Appeals (Appellee)
13.	25-Mar-2024	FILED: Case Management Statement (Appellant)
14.	25-Mar-2024	FILED: Notice of Errata (Request to Accept refiled CMS 03/25); Certificate of Service - Case Management Statement (Appellant)
15.	28-Mar-2024	ORDERED: Dismissing this appeal. FURTHER ORDERED: Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals and Motion to Correct Caption in Appeals (Appellee) = DENIED. FURTHER ORDERED: Denying the motion to correct caption as the caption reflects what Hilton Casitas Council of Homeowners requests. Hon David B Gass - Author
16.	6-Apr-2024	FILED: Motion to Reinstate the Appeal of 1 CA-CV 24-0095; Certificate of Service (Appellant)
17.	8-Apr-2024	ORDERED: Any response (to the Motion to Reinstate the Appeal of 1 CA-CV 24-0095) is due by 04/19/2024. Melina Brill ProTem Judge - Author
18.	15-Apr-2024	FILED: Intervenor / Appellee Procaccianti Az II, L.P.'S Response to Motion to Reinstate the Appeal of 1- CA-CV-24-0095; Intervenor / Appellee Procaccianti Az II, L.P.'S Certificate of Service of Response to Motion to Reinstate the Appeal of 1- CA-CV-24-0095 (Intervenor/Appellee)
19.	17-Apr-2024	FILED: Defendant Hilton Casitas' Response to Motions to Reinstate in No. 1 CA-CV 24-0095, No. 1 CA-CV 24-0108, and No. 1 CA-CV 24-0114; Certificate of Service for Defendant Hilton Casitas' Response to Motions to Reinstate in No. 1 CA-CV 24-0095, No. 1 CA-CV 24-108, and No. 1 CA-CV 24-0114 (Defendant/Appellee)
20.	22-Apr-2024	FILED: Reply in Support of Motion to Reinstate the Appeal of 1 CA-CV 24-0095; Certificate of Service (Appellant)
21.	29-Apr-2024	ORDERED: Directing the superior court to determine whether the record is accurate and whether any documents are missing. In issuing this order, this court expresses no opinion on the accuracy of the record. FURTHER ORDERED: Within 5 days from the date of this order, appellants shall file a motion in the superior court with this order attached, requesting a ruling regarding the accuracy of the record. FURTHER ORDERED: The superior court may in its discretion hold an evidentiary hearing and may direct the parties to file any motions or documents it deems necessary to determine the accuracy of the record. FURTHER ORDERED: Within 5 days after the superior court issues a ruling, appellants must file a notice with this court with the ruling attached. Upon receipt of the superior court's ruling, this court will rule on the motion to reinstate. FURTHER ORDERED: Directing appellants to file written notice with this court of the status of the superior court proceedings by 05/29/2024. Hon David B Gass - Author
22.	29-May-2024	FILED: Notice of Status of Superior Court Proceedings; Certificate of Service (Appellant)
23.	19-Jul-2024	ORDERED: Motion to Reinstate the Appeal of 1 CA-CV 24-0095 (Appellants); Combined Motion to Reinstate 1 CA-CV 24-0108 and 1 CA-CV 24-0114 (Appellants Pro Per) = GRANTED and reinstating appeals 1 CA-CV 24-0095, 1 CA-CV 24-0108, and 1 CA-CV 24-0114. FURTHER ORDERED: vacating the 3/28/24 orders dismissing 1 CA-CV 24-0095, 1 CA-CV 24-0108, and 1 CA-CV 24-0114. FURTHER ORDERED: consolidating appeals 1 CA-CV 24-0095, 1 CA-CV 24-0108, 1 CA-CV 24-0110, and 1 CA-CV 24-0114. FURTHER ORDERED: lifting the stay of this consolidated appeal. FURTHER ORDERED: requiring appellants file case management statements by 7/31/24. FURTHER ORDERED: requiring appellants file opening briefs by 8/27/24. If appellants do not file opening briefs timely, the court will dismiss the consolidated appeal. Hon David B Gass - Author