

# Court of Appeals, Division One

## Civil Appeal

# 1 CA-CV 24-0108

# WHITMER, et al. v. HILTON CASITAS

### Appellate Case Information

Case Filed: 20-Feb-2024

Case Closed:

### Dept/Composition

Consolidated with:

1 CA-CV 24-0095

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

PRO SE

• Colleen London

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 a Delaware limited partnership, Defendant/Appellee

(Litigant Group) PROCACCIANTI AZ II, LP a Delaware limited partnership

• Procaccianti AZ II LP

#### Attorneys for: Defendant/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 CV2016-050379	Declaratory Relief		Melissa Iyer Julian, Authoring Judge of Order		

### 2 OPEN DUE DATES

Case Management Statement due

Due By:

Wednesday, July 31, 2024

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

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: Procedural Combined Motion to Consolidate 1 CA-CV 24-0108, 1 CA-CV 24-0110, 1 CA-CV 24-0114 with 1 CA-CV 24-00095 [sic] (Appellants Pro Per) = DENIED. ORDERED: Granting the motion to correct caption and

Filed:

28-Mar-2024

Mandate:

Decision Disposition

**Dismissed**

David Gass.....Author

### 27 PROCEEDING ENTRIES

- 20-Feb-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/22/24
- 20-Feb-2024 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits: None
- 20-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 24-0108****WHITMER, et al. v. HILTON CASITAS****27 PROCEEDING ENTRIES**

4.	5-Mar-2024	RECEIPT No.: 2024-00220 ; \$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.	11-Mar-2024	FILED: Procedural Combined Motion to Consolidate 1 CA-CV 24-0108, 1 CA-CV 24-0110, 1 CA-CV 24-0114 with 1 CA-CV 24-00095 [sic] (Appellants Pro Per)
8.	11-Mar-2024	FILED: Combined Acceptance of the Court of Appeals' Settlement Conference Program (Appellants Pro Per)
9.	12-Mar-2024	FILED: Notice of Appellee's Filing Fee for Hilton Casitas Council of Homeowners; Certificate of Service (Appellee)
10.	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)
11.	18-Mar-2024	RECEIPT No.: 2024-00266 ; \$140.00, Authorization: #78012422198, Applied to: HILTON CASITAS COUNCIL OF CO-OWNERS - Class B Filing Fee (\$140.00) Paid for: Hill Hall & DeCiancio PLC - 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.	20-Mar-2024	FILED: Procaccianti AZ II, L.P.'s Notice of Payment of Filing Fee; Certificate of Service of Procaccianti AZ II, L.P.'s Notice of Payment of Filing Fee (Appellee Procaccianti)
14.	22-Mar-2024	FILED: Procaccianti AZ II, L.P.'s Notice of Errata; Certificate of Service of Procaccianti AZ II, L.P.'s Notice of Errata (Appellee Procaccianti)
15.	25-Mar-2024	RECEIPT No.: 2024-00293 ; \$140.00, Authorization: 85012795323, Applied to: PROCACCIANTI AZ II, LP a Delaware limited partners - Class B Filing Fee (\$140.00) Paid for: Spencer Fane LLP - By nCourt LLC
16.	25-Mar-2024	FILED: Reply to Joinder to the Motion to Consolidate 1 CA-CV 24-0108, 1 CA-CV 24-0110, 1 CA-CV 24-0114, with 1 CA-CV 24-00095 and Response to Motion to Correct Caption in Appeals (Appellant Pro Per)
17.	28-Mar-2024	ORDERED: Dismissing this appeal. FURTHER ORDERED: Procedural Combined Motion to Consolidate 1 CA-CV 24-0108, 1 CA-CV 24-0110, 1 CA-CV 24-0114 with 1 CA-CV 24-00095 [sic] (Appellants Pro Per) = DENIED. ORDERED: FURTHER ORDERED: Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals and Motion to Correct Caption in Appeals (Appellee) = Granting the motion to correct caption and amending the caption in this appeal by changing appellee from "Hilton Casitas Council of Co-Owners" to "Hilton Casitas Council of Homeowners." Hon David B Gass - Author
18.	2-Apr-2024	FILED: Combined Motion to Reinstate 1 CA-CV 24-0108 and 1 CA-CV 24-0114 (Appellants Pro Per)
19.	8-Apr-2024	ORDERED: Any response (to the Combined Motion to Reinstate 1 CA-CV 24-0108 and 1 CA-CV 24-0114) is due by 04/22/2024. Melina Brill ProTem Judge - Author
20.	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 24-0108, and No. 1 CA-CV 24-0114 (Defendant/Appellee)
21.	19-Apr-2024	FILED: Reply in Support of Combined Motion to Reinstate 1 CA-CV 24-0108 and 1 CA-CV 24-0114 (Appellant Pro Per)
22.	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
23.	28-May-2024	FILED: Notice of Status of Superior Court Proceedings [sic] (Appellants Pro Per)
24.	3-Jun-2024	ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: Directing appellants to file written notice with this court of the status of the superior court proceedings by 06/28/2024. Melina Brill ProTem Judge - Author
25.	2-Jul-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 24-0108**

**WHITMER, et al. v. HILTON CASITAS**

**27 PROCEEDING ENTRIES**

26. 16-Jul-2024 FILED: Notice of Superior Court Recently Filed Orders Correcting the Record in CV2014-054346 and CV2016-050379 (Appellants Pro Per)
27. 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