

Court of Appeals, Division One**Civil Appeal****1 CA-CV 24-0114****WHITMER, et al. v. HILTON CASITAS****Appellate Case Information**

Case Filed: 21-Feb-2024

Case Closed:

Dept/Composition**Side 1. R. L. WHITMER, et al., Plaintiff/Appellant****(Litigant Group) R. L. WHITMER, et al.**

- R L Whitmer
- Colleen London

Attorney for: Plaintiffs/Appellants

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

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

- Procaccianti AZ II LP

Attorneys for: Intervenor

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

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

CASE STATUS

Apr 2, 2024.....Motion for Reconsideration Pending

PREDECESSOR CASE(S)

MAR CV2014-054346

Cause/Charge/Class

Breach of Contract

Judgment/Sentence**Judge, Role <Comments>**Melissa Iyer Julian,
Authoring Judge of Order**Trial****Dispo****OPEN DUE DATE****Court Ordered Document due****Due By:**

Wednesday, May 29, 2024

Re: * 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 o

CALENDAR

Friday MOTION CALENDAR

26-Apr-2024 Department M;

File date: 4/2/2024..... * Combined Motion to Reinstate 1 CA-CV 24-0108 and 1 CA-CV 24-0114
(Appellants Pro Per)**PENDING MATTER****General Motion**

Filed: 2-Apr-2024

* Combined Motion to Reinstate 1 CA-CV 24-0108 and 1 CA-CV 24-0114 (Appellants Pro Per)

Court of Appeals, Division One

Civil Appeal

1 CA-CV 24-0114

WHITMER, et al. v. HILTON CASITAS

CASE DECISION

28-Mar-2024 ORDER

* 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 = DENIED. FURTHER ORDERED: Defendant Hilton Casitas' Joinder in Motion to Consolidate App

Filed: **28-Mar-2024**

Mandate:

Decision Disposition

Dismissed

David Gass.....Author

23 PROCEEDING ENTRIES

1. 21-Feb-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/22/24
2. 21-Feb-2024 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: None
3. 26-Feb-2024 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 5-Mar-2024 RECEIPT No.: 2024-00218 ; \$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. 5-Mar-2024 FILED: Case Management Statement; Certificate of Service - Case Management Statement (Appellant)
6. 11-Mar-2024 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
7. 11-Mar-2024 FILED: Settlement Conference Program Notice
8. 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)
9. 11-Mar-2024 FILED: Combined Acceptance of the Court of Appeals' Settlement Conference Program (Appellants Pro Per)
10. 12-Mar-2024 FILED: Notice of Appellee's Filing Fee for Hilton Casitas Council of Homeowners; Certificate of Service (Appellee)
11. 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)
12. 18-Mar-2024 RECEIPT No.: 2024-00265 ; \$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
13. 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)
14. 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)
15. 25-Mar-2024 RECEIPT No.: 2024-00294 ; \$140.00, Authorization: 85012795323, Applied to: PROCACCIANTI AZ II, LP, a Delaware limited partner - 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 = DENIED. FURTHER ORDERED: Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals and Motion to Correct Caption in Appeals (Appellee) = GRANTED 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

Court of Appeals, Division One

Civil Appeal

1 CA-CV 24-0114

WHITMER, et al. v. HILTON CASITAS

23 PROCEEDING ENTRIES

20. 15-Apr-2024 FILED: Procaccianti Az II, L.P.'S Response to Combined Motion to Reinstate 1-CA-CV-24-0108 and 1-CA-CV-24-0114; Certificate of Service of Procaccianti Az II, L.P.'S Response to Combined Motion to Reinstate 1-CA-CV-24-0108 and 1-CA-CV-24-0114 (Intervenor)
21. 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 No. 1 CA-CV 24-0095, No. 1 CA-CV 24-0108, and No. 1 CA-CV 24-0114 (Defendant/Appellee)
22. 19-Apr-2024 FILED: Reply in Support of Combined Motion to Reinstate 1 CA-CV 24-0108 and 1 CA-CV 24-0114 (Appellants Pro Per)
23. 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. FURTHER ORDERED: Amending the caption and docket in this appeal by adding Procaccianti AZ II, L.P. as an intervenor. All future documents filed in this appeal must use the caption shown on this order. Hon David B Gass - Author