

**Arizona Supreme Court**  
**Civil Petition for Review - Appeal**

**CV-16-0217-PR**

**DAVID STAMBAUGH v MARK KILLIAN et al**

**Appellate Case Information**

Case Filed: 7-Sep-2016  
Case Closed:

**Dept/Composition**

**En Banc**

Hon. Scott Bales  
Hon. John Pelander  
Hon. Robert M. Brutinel  
Hon. Ann A. Scott Timmer  
Hon. Clint Bolick  
Hon. Andrew W. Gould  
Hon. Michael D Peterson

**Side 1. DAVID STAMBAUGH, Plaintiff/Appellant**

(Litigant Group) DAVID STAMBAUGH

- David Stambaugh

**Attorneys for: Plaintiff/Appellant**

Paul R Orme, Esq. (AZ Bar No. 6421)  
Mark A McGinnis, Esq. (AZ Bar No. 13958)  
R Jeffery Heilman, Esq. (AZ Bar No. 29525)

**Side 2. MARK KILLIAN, acting in his capacity as Director of the Arizona Department of Agriculture; ARIZONA DEPARTMENT OF AGRICULTURE, an agency of the State of Arizona; SUZETTE TAYLOR, acting in her capacity as State Brand Clerk at the Arizona Department of Agriculture; STATE OF ARIZONA; and EUREKA SPRINGS CATTLE CO., LLC, an Arizona limited liability company and real party in interest, Defendant/Appellee**

(Litigant Group) MARK KILLIAN, acting in his capacity as Director of the Arizona Department of Agriculture; ARIZONA DEPARTMENT OF AGRICULTURE, an agency of the State of Arizona; SUZETTE TAYLOR, acting in her capacity as State Brand Clerk at the Arizona Department of Agriculture; STATE OF ARIZONA

- Mark J Killian
- Arizona Department of Agriculture
- Suzette Taylor
- State of Arizona

**Attorneys for: Defendants/Appellees**

Mark Brnovich, Esq. (AZ Bar No. 14134)  
Kathleen P Sweeney, Esq. (AZ Bar No. 11118)  
Christopher William McCormack, Esq. (AZ Bar No. 31554)

(Litigant Group) EUREKA SPRINGS CATTLE CO., LLC, an Arizona limited liability company and real party in interest

- Eureka Springs Cattle Co LLC, Real Party in Interest

**CASE STATUS**

Jan 10, 2017....At Issue

Jan 10, 2017....Oral Argument Granted

Sep 7, 2016.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-CV 14-0817					
↔ MAR CV2012-017523	Declaratory Judgment; Special Action; Mandatory Injunction		John Christian Rea, Authoring Judge of Order Comments: (none)		

**17 PROCEEDING ENTRIES**

- 7-Sep-2016 FILED: David Stambaugh's Petition for Review; Certificate of Service; Certificate of Compliance; Court of Appeals Decision (Appellant Stambaugh)
- 8-Sep-2016 FILED: Record from CofA: Electronic Record
- 12-Sep-2016 RECEIPT No.: ASC2016-00839 ; \$280.00, Authorization: 52011995072, Applied to: DAVID STAMBAUGH - Class A Filing Fee (\$280.00) Paid for: DAVID STAMBAUGH - By Intresys Inc (Memo: Form Set # 1923951)
- 19-Sep-2016 FILED: State Appellees' Motion for Extension of Time to File Response to Petition For Review; Certificate of Service for Motion for Extension of Time to File Response to Petition for Review (Appellees Killian et al)
- 19-Sep-2016 FILED: Notice of Substitution of Counsel (Attorney Chirstopher McCormack to Appear as Counsel); Certificate of Service for Notice of Substitution of Counsel (Appellees Killian et al)
- 19-Sep-2016 A "State Appellees' Motion for Extension of Time to File Response to Petition for Review" (Appellees Butler et al) having been filed on September 19, 2016,

IT IS ORDERED granting an extension of time to file the Response to Petition for Review on or before October 28, 2016. No further extensions of time shall be granted absent extraordinary circumstances. (Janet Johnson, Clerk)

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**17 PROCEEDING ENTRIES**

7. 28-Oct-2016 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellees Killian et al)
8. 10-Jan-2017 ORDERED: David Stambaugh's Petition for Review = GRANTED.  
  
FURTHER ORDERED: The case shall be set for oral argument.  
  
FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.  
  
FURTHER ORDERED: Request for Attorneys' Fees (Appellant Stambaugh) = CONTINUED.
9. 19-Jan-2017 FILED: Remaining Record from CofA: Instrument (1)
10. 23-Jan-2017 NOTICE OF ORAL ARGUMENT: Set for Tuesday, March 7, 2017, at 10:15 A.M. [twenty minutes (20) per side]
11. 23-Jan-2017 FILED: Notice of Filing Acknowledgment of Oral Argument (Mark A. McGinnis will argue) (Appellant Stambaugh)
12. 24-Jan-2017 Justice John R. Lopez has recused himself and will not participate in argument or decision of the above captioned matter. Therefore, pursuant to Article 6, Section 3 of the Arizona Constitution,  
  
IT IS ORDERED that the Honorable Michael D. Peterson, Presiding Judge of the Graham County Superior Court, is designated to sit on the case and participate until the matter is finally determined. (Hon. Scott Bales)
13. 24-Jan-2017 FILED: Notice of Filing Acknowledgment of Oral Argument (Mark A. McGinnis will argue) (Appellant Stambaugh)
14. 25-Jan-2017 FILED: Notice of Filing Acknowledgment of Oral Argument (Christopher W. McCormack will argue) (Appellees Killian et al)
15. 30-Jan-2017 FILED: David Stambaugh's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Stambaugh)
16. 30-Jan-2017 FILED: Defendants-Appellees' Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellees Killian et al)
17. 30-Jan-2017 FILED: Defendants-Appellees' Appendix To Supplemental Brief; Certificate of Service (Appellees Killian et al)