

Arizona Supreme Court
Criminal Petition for Review - Special Action

CR-16-0371-PR

PHX NEWSPAPERS/D'ANNA v HON. REINSTEIN/STATE/MORAN

Appellate Case Information

Case Filed: 9-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. John R. Lopez
 Hon. Garye L Vasquez

Side 1. PHOENIX NEWSPAPERS, INC. and JOHN D'ANNA, Petitioner

(Litigant Group) PHOENIX NEWSPAPERS/D'ANNA

- Phoenix Newspapers Inc
- John D'Anna

Attorneys for: Petitioner

David Jeremy Bodney, Esq. (AZ Bar No. 6065)
 Heather T Horrocks, Esq. (AZ Bar No. 29190)

Side 2. THE HONORABLE PETER C. REINSTEIN, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Maricopa, Respondent Judge

(Litigant Group) HON. PETER C. REINSTEIN

- Hon. Peter C Reinstein

Side 3. STATE OF ARIZONA and GARY MICHAEL MORAN, Real Party in Interest

(Litigant Group) STATE/MORAN

- State of Arizona

Attorneys for: Real Party in Interest

William G Montgomery, Esq. (AZ Bar No. 21246)
 Karen Kemper, Esq. (AZ Bar No. 13368)

(Litigant Group) GARY MICHAEL MORAN

- Gary Michael Moran

Attorneys for: Real Party in Interest

Angela L Walker, Esq. (AZ Bar No. 28219)
 Anna M Unterberger, Esq. (AZ Bar No. 9580)

Side 4. REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, Amicus Curiae

(Litigant Group) REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS

- Reporters Committee for Freedom of the Press

Attorneys for: Amicus Curiae

Daniel C Barr, Esq. (AZ Bar No. 10149)
 Katherine Elizabeth May, Esq. (AZ Bar No. 32335)

CASE STATUS

Dec 13, 2016....At Issue

Dec 13, 2016....Oral Argument Granted

Sep 9, 2016.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-SA 16-0096					
↔ MAR CR2014-128973-001			Peter C Reinstein, Authoring Judge of Order Comments: (none)		

37 PROCEEDING ENTRIES

- 9-Sep-2016 FILED: Petition for Review of a Special Action Decision of the Court of Appeals (Oral Argument Requested) (Capital Case); Certificate of Service-Petition for Review of Special Action Decision of Court of Appeals; Certificate of Compliance-Petition for Review of Special Action Decision of Court of Appeals; Party Information and Contact Form (Real Party Moran)
- 9-Sep-2016 FILED: Application for Interlocutory Stay of Proceedings; Certificate of Service-Application for Interlocutory Stay of Proceedings (Real Party Moran)
- 9-Sep-2016 FILED: Court of Appeals Decision (Opinion) (Real Party Moran)
- 9-Sep-2016 FILED: (Copy of) MCSC Order Regarding Counsel (Real Party Moran)
- 9-Sep-2016 FILED: Notice of Appearance for Real Party in Interest/State of Arizona (Attorney Karen Kemper to Appear as Counsel); Certificate of Service for: State's Notice of Appearance (Real Party State)

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6. 12-Sep-2016 Gary Moran having filed an Application for Interlocutory Stay of Proceedings,

IT IS ORDERED that no later than 5:00 p.m., September 19, 2016, the State of Arizona shall file a response, and Phoenix Newspapers, Inc. and John D'Anna may file a response. The parties shall send courtesy copies by email to the other parties at the time of filing.

IT IS FURTHER ORDERED that no later than 5:00 p.m., September 23, 2016, Mr. Moran may file a reply. (Hon. Robert Brutinel)
7. 12-Sep-2016 FILED: Record from CofA: Electronic Record
8. 14-Sep-2016 FILED: Real Party In Interest's Opposition to Moran's Stay Request and Notice of State's Position; Certificate of Service for: State's Opposition to Stay and Notice of State's Position (Real Party State)
9. 19-Sep-2016 Letter sent to parties re: new case number
10. 19-Sep-2016 FILED: Response of Phoenix Newspapers, Inc. and John D'Anna to Gary Michael Moran's Application for Interlocutory Stay of Proceedings; Certificate of Service (Petitioners Phoenix Newspapers/D'Anna)
11. 22-Sep-2016 FILED: Reply Re: Application for Interlocutory Stay of Proceedings; Certificate of Service-Reply Re: Application for Interlocutory Stay of Proceedings (Real Party Moran)
12. 27-Sep-2016 Upon considering the Application for Interlocutory Stay of Proceedings filed by Real Party in Interest Gary Moran, the responses, and the reply,

IT IS ORDERED that the Application for Interlocutory Stay of Proceedings is denied. (Hon. Robert M. Brutinel)
13. 17-Oct-2016 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Petitioners Phoenix Newspapers/D'Anna)
14. 20-Oct-2016 RECEIPT No.: ASC2016-00957 ; \$140.00, Authorization: 92015225036. Applied to: PHOENIX NEWSPAPERS, INC. and JOHN D'ANNA - Overpayment Class B (\$140.00) Paid for: PHOENIX NEWSPAPERS, INC. and JOHN D'ANNA - By Intresys Inc (Memo: Form Set # 1967998)
15. 2-Nov-2016 LETTER - Return of payment in the amount of \$140.00, State of Arizona Warrant No. 100976 dated November 2, 2016 to Ballard Spahr LLP for a Response to Petition for Review filed by Ballard Spahr for Phoenix Newspapers Inc. filed 10/17/2016. See Dkt No 14.
16. 13-Dec-2016 ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Oral Argument Requested) (Capital Case) = 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, on or before January 13, 2017.
17. 16-Dec-2016 FILED: Request to be Excused from Oral Argument; Certificate of Service (Real Party State)
18. 16-Dec-2016 On December 16, 2016, Real Party State of Arizona filed a "Request to be Excused from Oral Argument." After consideration,

IT IS ORDERED granting Real Party State's request to be excused from oral argument.

IT IS FURTHER ORDERED the oral argument between Petitioners Phoenix Newspapers, Inc., John D'Anna and Real Party Gary Michael Moran will be scheduled in due course. (Hon. Scott Bales)
19. 22-Dec-2016 FILED: Notice of Substitution of Counsel for Real Party in Interest Gary Michael Moran (Angela L Walker substituted for Bobbi Falduto as Lead Counsel for Real Party Moran); Certificate of Service (Real Party Moran)
20. 22-Dec-2016 FILED: Joint Motion to Extend Deadline for Filing Simultaneous Supplemental Briefs; Certificate of Service of Joint Motion to Extend Deadline for Filing Simultaneous Supplemental Briefs
21. 23-Dec-2016 A "Joint Motion to Extend Deadline for Filing Simultaneous Supplemental Briefs" having been filed on December 22, 2016,

IT IS ORDERED granting the motion.

IT IS FURTHER ORDERED the parties supplemental briefs shall be due on or before February 3, 2017. (Hon. Scott Bales)

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22. 23-Dec-2016 FILED: Remaining Record from CofA:
Instrument (1 empty backer)
23. 5-Jan-2017 FILED: Notice of Unavailability Due to Scheduling Conflicts; Certificate of Service-Notice of Unavailability Due to Scheduling Conflicts (Real Party Moran)
24. 19-Jan-2017 NOTICE OF ORAL ARGUMENT: Set for Tuesday, February 7, 2017, at 9:30 A.M. [twenty minutes (20) per side]
25. 20-Jan-2017 FILED: Motion to Extend Time to File Amicus Brief; Certificate of Service (Amicus Curiae Committee for Freedom of the Press)
26. 20-Jan-2017 FILED: Reporters Committee for Freedom of the Press's Motion of Proposed Amici For Leave to File Brief as Amici Curiae in Support of Petitioners (Amicus Curiae Committee for Freedom of the Press)
27. 23-Jan-2017 A "Motion to Extend Time to File an Amicus Brief (Amicus Curiae Committee for Freedom of the Press) was filed on January 20, 2017. After consideration,

IT IS ORDERED granting the motion. The amicus brief shall be due on or before January 30, 2017. (Hon. Robert Brutinel)
28. 24-Jan-2017 Justice Andrew W. Gould 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 Garye L. Vásquez, Vice Chief Judge of the Arizona Court of Appeals, Division Two, Tucson, is designated to sit on the case and participate until the matter is finally determined. (Hon. Scott Bales)
29. 27-Jan-2017 FILED: Letter to Daniel C. Barr (Verification of Pro Hac Vice Status Mr. Leslie & Mrs. Glickman)
30. 31-Jan-2017 FILED: Notice of Filing Acknowledgment of Oral Argument (David J. Bodney will argue) (Petitioners Phoenix Newspapers/D'Anna)
31. 30-Jan-2017 FILED: Notice of Filing Acknowledgment of Oral Argument (Angela L. Walker will argue) (Real Party Moran)
32. 30-Jan-2017 FILED: Brief of Amicus Curiae The Reporters Committee for Freedom of the Press (with Appendix); Certificate of Service; Certificate of Compliance (Amicus Reporters Committee for Freedom of the Press)
33. 31-Jan-2017 FILED: Motion for Electronic Service of Supplemental and Amici Briefs; Certificate of Service - Motion for Electronic Service of Supplemental and Amici Briefs (Real Party Moran)
34. 31-Jan-2017 Upon considering the Motion for Electronic Service of Supplemental and Amici Briefs,

IT IS ORDERED that the motion is granted. Any party or amicus curiae filing any pleading in this case on or after this date shall electronically (by email) serve the pleading upon counsel for the other litigants immediately on the date the pleading is filed.

IT IS FURTHER ORDERED that Amicus Curiae The Reporters Committee for Freedom of the Press shall electronically serve its brief with appendix filed January 30, 2017, upon counsel for the other litigants immediately upon receiving this order. (Hon. Robert M. Brutinel)
35. 1-Feb-2017 FILED: Notice of Change in the Status of the Case and Request for STAY of Briefing and Oral Arugment; Certificate of Service Notice of Change of Status in Case and Request for Stay (Real Party Moran)
36. 1-Feb-2017 FILED: Motion to STAY Proceedings; Certificate of Service of Motion to Stay Proceedings (Petitioners Phoenix Newspapers/D'Anna)
37. 1-Feb-2017 The Court has received real-party-in-interest Moran's "Notice of Change in the Status of the Case and Request for Stay of Briefing and Oral Argument" as well as petitioners Phoenix Newspapers Inc. and John D'Anna's "Motion to Stay Proceedings."

IT IS ORDERED vacating the oral argument scheduled for February 7, 2017, and staying the filing of supplemental briefs that were due on February 3, 2017, pending further order by the Court.

IT IS FURTHER ORDERED that Moran shall file a report with the Court by February 27, 2017, regarding the status of the proceedings in the Superior Court. (Hon. Scott Bales)