

Arizona Supreme Court
Civil Petition for Review - Special Action

CV-16-0258-PR

NOEL BENOIST v HON. UDALL/PACIFIC ENGINE et al

<p>Appellate Case Information</p> <p>Case Filed: 3-Nov-2016</p> <p>Case Closed:</p>	<p>Dept/Composition</p>
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Side 1. NOEL BENOIST, an individual, Petitioner
(Litigant Group) NOEL BENOIST, an individual

- Noel Thomas Benoist, Pro Se PRO SE

Side 2. HON. DAVID UDALL, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Maricopa, Respondent Judge

(Litigant Group) HON. DAVID UDALL, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Maricopa

- Hon. David K Udall

Side 3. PACIFIC ENGINE REBUILDING L.L.C., an Arizona limited liability company, d/b/a PACIFIC ENGINE REBUILT; VICTOR MARISCAL and ELVIRA MARISCAL, a married couple; JANE and JOHN DOE CORPORATIONS as discovered; JANE and JOHN DOE individuals as discovered, Real Party in Interest

(Litigant Group) PACIFIC ENGINE REBUILDING L.L.C., an Arizona limited liability company, d/b/a PACIFIC ENGINE REBUILT; VICTOR MARISCAL and ELVIRA MARISCAL, a married couple; JANE and JOHN DOE CORPORATIONS as discovered; JANE and JOHN DOE individuals as discovered

- Pacific Engine Rebuilding LLC
- Pacific Engine Rebuilt
- Victor Mariscal
- Elvira Mariscal
- Jane and John Doe Corporations
- Jane Doe
- John Doe

Attorneys for: Real Parties in Interest
Michael E Hurley, Esq. (AZ Bar No. 1887)

CASE STATUS

Nov 3, 2016.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-SA 16-0221				
↳ MAR	CV 2013-095474		David King Udall, Authoring Judge of Order Comments: (none)		

10 PROCEEDING ENTRIES

- 3-Nov-2016 FILED: (Non-Compliant) Petition for Review of Special Action Petitioner Asked for a Special Action to Correct Superior Court Errors and Order Charges and Related Claims Reinstated - with Motion to Assign this Special Action Appeal, to Order a STAY in the Superior Court Proceedings until this Special Action has been Heard and; Then to Order the File Forwarded for Review by the Arizona Supreme Court Judges Over this Special Action; Petition for Review of Special Action Certificate of Service; Petition for Review of Special Action Petitioner's Certificate of Compliance (Petitioner Benoist, Pro Se)
- 4-Nov-2016 Letter to Petitioner Benoist, Pro Se Re: ASC-Consent for E-Dist
- 4-Nov-2016 The record contains an appellate court order finding that Petitioner Benoist, Pro Se is eligible for a waiver of fees. Pursuant to A.R.S. 12-302(I),

IT IS ORDERED the waiver remains in effect unless there is a change in Petitioner's financial circumstances. (Janet Johnson, Clerk)
- 7-Nov-2016 Letter to Petitioner Benoist, Pro Se (PR Deficient; Exceeds Word Count)
- 8-Nov-2016 FILED: Record from CofA: Electronic Record

Arizona Supreme Court
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10 PROCEEDING ENTRIES

6. 21-Nov-2016 FILED: (Amended) Petition for Review of Special Action Petitioner Asked for a Special Action to Correct Superior Court Errors and Order Charges and Related Claims Reinstated - with Motion to Assign this Special Action Appeal, to Order a STAY in the Superior Court Proceedings until this Special Action has been Heard and; Then to Order the File Forwarded for Review by the Arizona Supreme Court Judges Over this Special Action (Petitioner Benoist, Pro Se)
7. 21-Nov-2016 Letter to Petitioner Benoist, Pro Se (PR Deficient; No Certificate of Compliance)
8. 22-Nov-2016 On November 3, 2016, Petitioner Benoist filed a petition for review that includes a motion to stay proceedings in the superior court pending the resolution of his special action. Petitioner renewed his motion in an amended petition for review filed November 21, 2016. The Real-Parties-in-Interest have not responded to the motion.

Petitioner fails to set forth any factual or legal basis for granting a stay. Moreover, an October 17, 2016, superior court minute entry indicates that at Petitioner's request, the superior court continued a trial setting conference pending this Court's disposition of Petitioner's petition for review, which gives Petitioner the functional equivalent of a stay. Accordingly,

IT IS ORDERED denying Petitioner's motion to stay proceedings in the superior court. (Hon. Ann A. Scott Timmer)
9. 2-Dec-2016 FILED: Motion to Reconsider and Reverse Supreme Court Error in Re Petition for Review of Special Action "Petitioner's Certificate of Compliance" Already Filed with Original November 3, 2016 Original and Actual File Date (Petitioner Benoist, Pro Se)
10. 2-Dec-2016 A "Motion to Reconsider and Reverse Supreme Court Error in Re Petition for Review of Special Action "Petitioner's Certificate of Compliance" Already Filed with Original November 3, 2016 Original and Actual File Date" (Petitioner Benoist, Pro Se) having been filed on December 2, 2016. Upon consideration,

IT IS ORDERED denying the motion as moot.

IT IS FURTHER ORDERED the Amended Petition for Review filed on November 21, 2016 will be considered in due course. (Janet Johnson, Clerk)