

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-22-0228-PR

CAO et al. v PFP DORSEY et al.

Appellate Case Information

Case Filed: 23-Sep-2022
Case Closed:

Dept/Composition

En Banc

Hon. Robert Brutinel
Hon. Ann A. Scott Timmer
Hon. Clint Bolick
Hon. John R Lopez
Hon. James P Beene
Hon. William G Montgomery
Hon. Kathryn H. King

Side 1. JIE CAO, et al., Plaintiff/Appellant

(Litigant Group) JIE CAO, et al.

- Jie Cao
- Haining "Frazer" Xia
- Stone Xia

Attorneys for: Plaintiff/Appellant

Eric M Fraser, Esq. (AZ Bar No. 27241)
John S. Bullock, Esq. (AZ Bar No. 34950)

Side 2. PFP DORSEY INVESTMENTS, LLC, et al., Defendant/Appellee

(Litigant Group) PFP DORSEY INVESTMENTS, LLC

- PFP Dorsey Investments LLC

Attorneys for: Defendant/Appellee

Shawna M Woner, Esq. (AZ Bar No. 12948)
Stephanie Kwan Gintert, Esq. (AZ Bar No. 29640)
Timothy J Berg, Esq. (AZ Bar No. 4170)
Charles E Markle, Esq. (AZ Bar No. 32930)

(Litigant Group) DORSEY PLACE CONDOMINIUM ASSOCIATION

- Dorsey Place Condominium Association

Attorneys for: Defendant/Appellee

Edith I Rudder, Esq. (AZ Bar No. 20650)
Nicholas Nogami, Esq. (AZ Bar No. 29027)
Timothy J Berg, Esq. (AZ Bar No. 4170)
Charles E Markle, Esq. (AZ Bar No. 32930)

Side 3. PACIFIC LEGAL FOUNDATION, Amicus Curiae

(Litigant Group) PACIFIC LEGAL FOUNDATION

- Pacific Legal Foundation

Attorneys for: Amicus Curiae

James Martin Manley, Esq. (AZ Bar No. 31820)
Kathryn D Valois, Esq. (AZ Bar No. kathrynvalois)

Side 4. PAPAGO SPRINGS UNIT OWNERS, Amicus Curiae

Side 5. GOLDWATER INSTITUTE, Amicus Curiae

(Litigant Group) GOLDWATER INSTITUTE

- Goldwater Institute

Attorneys for: Amicus Curiae

Timothy Sandefur, Esq. (AZ Bar No. 33670)

Side 6. ARIZONA HOMEOWNERS COALITION, Amicus Curiae

(Litigant Group) ARIZONA HOMEOWNERS COALITION

- Arizona Homeowners Coalition

Attorneys for: Amicus Curiae

Jonathan A Dessaules, Esq. (AZ Bar No. 19439)
Ashley C Hill, Esq. (AZ Bar No. 32483)

Side 7. F PAPAGO SPRINGS, LLC, MAHDERE GEBREYESUS DESTA, AND GARY AND ALLIEN STOLOFF, Amicus Curiae

(Litigant Group) F PAPAGO SPRINGS, LLC, MAHDERE GEBREYESUS DESTA, AND GARY AND ALLIEN STOLOFF

- Papago Springs LLC
- Mahdere Gebreyesus Desta
- Gary Stoloff
- Allien Stoloff

Attorneys for: Amicus Curiae

James T Braselton, Esq. (AZ Bar No. 10788)
Vail Cloar, Esq. (AZ Bar No. 32011)

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Side 8. COMMUNITY ASSOCIATIONS INSTITUTE, Amicus Curiae

(Litigant Group) COMMUNITY ASSOCIATIONS INSTITUTE

- Community Associations Institute

Attorneys for: Amicus Curiae

Robert M Diamond, Esq. (VA Bar No. 16036)
 James C Martin, Esq. (PA Bar No. 204336)
 Ted A Hages, Esq. (PA Bar No. 327324)
 Quinten T Cupps, Esq. (AZ Bar No. 24680)
 Lynn M Krupnik, Esq. (AZ Bar No. 17311)
 Tim Krupnik, Esq. (AZ Bar No. 34019)

Side 9. ERIC BUCKEYE, PETER SCZUPAK, REKHA AND MUKESH TATARIA, AND AMY WAUTIER, Amicus Curiae

(Litigant Group) ERIC BUCKEYE, PETER SCZUPAK, REKHA AND MUKESH TATARIA, AND AMY WAUTIER

- Eric Buckeye
- Peter Sczupak
- Rekha Tataria
- Mukesh Tataria
- Amy Wautier

Attorneys for: Amicus Curiae

Andrew Fox, Esq. (AZ Bar No. 34581)
 Austin C Yost, Esq. (AZ Bar No. 34602)

Side 10. CATO INSTITUTE, Amicus Curiae

(Litigant Group) CATO INSTITUTE

- Cato Institute

Attorneys for: Amicus Curiae

Derek Douglas Debus, Esq. (AZ Bar No. 35971)

CASE STATUS

Mar 22, 2024....Decision Rendered	Aug 22, 2023....Oral Argument Granted
Aug 4, 2023.....Continued	Sep 23, 2022....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CV 21-0275				
↶ MAR	CV2019-055353	Declaratory Judgment	Daniel G Martin, Authoring Judge of Order Comments: (none)		

CASE DECISION

22-Mar-2024 OPINION

We vacate the court of appeals' decision. We affirm the trial court except as to the issues encompassed in Part II of this Opinion, and remand to that court for further proceedings consistent with this Opinion.

Filed: 22-Mar-2024	Mandate: _____
Decision Disposition	
CofA Vacated	
Affirmed in Part	
Remanded	

Clint Bolick

- Robert Brutinel.....Concur
- Ann Timmer.....Concur
- John Lopez.....Concur
- James Beene.....Concur
- William Montgomery.....Concur
- Kathryn King.....Concur

80 PROCEEDING ENTRIES

1. 23-Sep-2022 FILED: Plaintiffs/Appellants Jia Cao and Haining "Frazer" Xia's Petition for Review; Certificate of Service; Certificate of Compliance; Opinion (Appellants CAO et al.)

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2. 28-Sep-2022 FILED: Record from CofA: Electronic Record
3. 30-Sep-2022 RECEIPT No.: ASC2022-00952 ; \$280.00, Authorization: 8295604452583996, Applied to: JIE CAO, et al. - Class A Filing Fee (\$280.00) Paid for: JIE CAO, et al. - By nCourt LLC
4. 3-Oct-2022 FILED: Unopposed Motion for Procedural Order to Extend Time for Combined Response/Cross-Petition for Review by Defendant/Appellee PFP Dorsey Investments, LLC (First Request); Certificate of Service (Appellees PFP Dorsey Investments)
5. 6-Oct-2022 An "Unopposed Motion for Procedural Order to Extend Time for Combined Response/Cross-Petition for Review by Defendant/Appellee PFP Dorsey Investments, LLC (First Request)" having been filed on October 3, 2022,

IT IS ORDERED granting a first extension of time to file the response/cross-petition for review on or before October 28, 2022. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman, Clerk)
6. 3-Oct-2022 FILED: Unopposed Motion for Procedural Order to Extend Time for Combined Response/Cross-Petition for Review by Defendant/Appellee Dorsey Place Condominium Association (First Request); Certificate of Service (Appellees Dorsey Place Condominium)
7. 11-Oct-2022 An "Unopposed Motion for Procedural Order to Extend Time for Combined Response/Cross-Petition for Review by Defendant/Appellee Dorsey Place Condominium Association (First Request)" having been filed on October 3, 2022,

IT IS ORDERED granting a first extension of time to file the response/Cross-Petition for review on or before October 28, 2022. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman, Clerk)
8. 11-Oct-2022 FILED: Emergency Motion for Procedural Order Clarifying Doc. 4; Certificate of Service (Appellees Dorsey Place Condominium)
9. 11-Oct-2022 FILED: Notice of Appearance; Certificate of Service (Appellees Dorsey Place Condominium)
10. 19-Oct-2022 FILED: Notice re A.R.S. § 12-1841; Certificate of Service; Notice of Claim of Unconstitutionality under A.R.S. § 12-1841(B) (Appellants CAO et al.)
11. 28-Oct-2022 FILED: Defendant/Appellees/Cross-Petitioner PFP Dorsey Investments, LLC Combined Response to Plaintiffs/Appellants' Petition for Review and Cross-Petition for Review; Certificate of Service; Certificate of Compliance (Appellees PFP Dorsey Investments)
12. 28-Oct-2022 FILED: Respondent/Appellee/Cross-Petitioner Dorsey Place Condominium Association's Cross-Petition for Review; Certificate of Service; Certificate of Compliance (Appellees Dorsey Place Condominium Association)
13. 28-Oct-2022 FILED: Respondent/Appellees/Cross-Petitioner Dorsey Place Condominium Association's Joinder in PFP Dorsey Place Investments, LLC's Response to Plaintiffs/Appellants' Petition for Review; Certificate of Service of Joinder (Appellees Dorsey Place Condominium)
14. 14-Nov-2022 RECEIPT No.: ASC2022-01059 ; \$280.00, Authorization: 8647696239961920, Applied to: PFP DORSEY INVESTMENTS, LLC - Class A Filing Fee (\$280.00) Paid for: PFP DORSEY INVESTMENTS, LLC - By nCourt LLC
15. 14-Nov-2022 RECEIPT No.: ASC2022-01060 ; \$280.00, Authorization: 8735657754919761, Applied to: DORSEY PLACE CONDOMINIUM ASSOCIATION - Overpayment Class A (\$280.00) Paid for: DORSEY PLACE CONDOMINIUM ASSOCIATION - By nCourt LLC
16. 14-Nov-2022 FILED: Notice of Appearance; Certificate of Service (Appellees PFP Dorsey et al.)
17. 17-Nov-2022 FILED: Motion for Procedural Order for Extension of Time to File Amicus Brief; Certificate of Service (Amicus Curiae Papago Springs Unit Owners)
18. 17-Nov-2022 FILED: Consent Emails from all Parties (Amicus Curiae Papago Springs Unit Owners)
19. 18-Nov-2022 FILED: Unopposed Motion for Procedural Order to Exceed Word Limit in Response to Cross-Petitions for Review; Certificate of Service (Appellants CAO et al.)
20. 18-Nov-2022 A "Motion for Procedural Order for Extension of Time to File Amicus Brief" (Amicus Curiae Papago Springs Unit Owners) having been filed on November 17, 2022,

IT IS ORDERED granting a first extension of time to file Amicus Brief on or before November 28, 2022. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman, Clerk)
21. 18-Nov-2022 FILED: Brief Amicus Curiae of Goldwater Institute in Support of Petition for Review Filed with Consent of All Parties; Certificate of Service; Certificate of Compliance (Amicus Curiae Goldwater)
22. 18-Nov-2022 FILED: Consent Emails (Amicus Curiae Goldwater)

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23. 18-Nov-2022 FILED: Brief of Amicus Curiae for Arizona Homeowners Coalition in Support of Appellants; Certificate of Service; Certificate of Compliance (Amicus Curiae Arizona Homeowners)
24. 18-Nov-2022 FILED: Motion for Leave to File Brief of Amicus Curiae for Arizona Homeowners Coalition in Support of Appellants; Certificate of Service (Amicus Curiae Arizona Homeowners)
25. 21-Nov-2022 SENT: Deficient Letter Exceeding Word Count
26. 21-Nov-2022 FILED: Motion for Procedural Order to Extend Word Count or, in the Alternative, for Leave to File Amended Brief of Amicus Curiae for Arizona Homeowners Coalition in Support of Appellants; Certificate of Service; Exhibit A - Amended Brief of Amicus Curiae (Amicus Curiae Arizona Homeowners)
27. 23-Nov-2022 An "Unopposed Motion for Procedural Order to Exceed Word Limit in Response to Cross-Petitions for Review" (Appellants CAO, et al.) having been filed with a 5,000 word count with a response to cross-petitions for review, and the Clerk of the Court having been authorized by the Supreme Court to enter orders granting requests for extended word count,

IT IS ORDERED granting Appellants' request to exceed the thirty five hundred word count limitation stated in Rules 4(b) and 23(g)(2), Arizona Rules of Civil Appellate Procedure by 1,500 words. (Tracie K. Lindeman, Clerk)
28. 23-Nov-2022 A "Motion for Leave to File Brief of Amicus Curiae for Arizona Homeowners Coalition in Support of Appellants" and the brief of amicus curiae were filed on November 18, 2022. After consideration,

IT IS ORDERED the motion for leave to File Brief of Amicus Curiae for Arizona Homeowners Coalition in Support of Appellants is granted. The brief shall be filed as of November 18, 2022. (Tracie K. Lindeman Clerk)
29. 29-Nov-2022 RECEIPT No.: ASC2022-01093 ; \$420.00, Authorization: 8735657754919761, Applied to: DORSEY PLACE CONDOMINIUM ASSOCIATION - Overpayment Class B (\$140.00), Class A Filing Fee (\$280.00) Paid for: DORSEY PLACE CONDOMINIUM ASSOCIATION - By nCourt LLC (Memo: Replaces ASC2022-01060. Over payment of filing fee)
30. 29-Nov-2022 VOID RECEIPT No.: ASC2022-01060 - \$-280.00, Authorization: 8735657754919761, - Applied to: DORSEY PLACE CONDOMINIUM ASSOCIATION - Overpayment Class A (\$-280.00) Paid for: DORSEY PLACE CONDOMINIUM ASSOCIATION - By: nCourt LLC VOID Reason: Overpayment of filing fee. Replaced by ASC2022-1093. (tkl)
31. 28-Nov-2022 FILED: Plaintiffs/Appellants Jie Cao and Haining "Frazer" Xia's Response to Cross-Petitions for Review; Certificate of Service; Certificate of Compliance (Appellants CAO et al.)
32. 1-Dec-2022 SENT: Civil Deficient Letter Exceeding Word Count (Deficient Letter filed in error by clerk) (Per 11/23/22 Order filed by this Court Appellants' Motion to exceed word limit was granted)
33. 28-Nov-2022 FILED: Amicus Curiae Brief of Papago Springs, LLC, Mahdere Gebreyesus Desta and Gary and Allien Stoloff (Filed with Parties' Consent); Certificate of Service; Certificate of Compliance (Amici Curiae Papago Springs, et al.)
34. 28-Nov-2022 FILED: Appendix to Amicus Curiae Brief of Papago Springs, LLC, Mahdere Gebreyesus Desta and Gary and Allien Stoloff; Certificate of Service (Amici Curiae Papago Springs, et al.)
35. 30-Nov-2022 FILED: Unopposed Motion for Procedural Order to Extend Time to File Joint Response to Amicus Curiae Briefs and Unopposed Motion for Procedural Order to Extend Word Limit by Defendants/Appellees PFP Dorsey Investments, LLC and Dorsey Place Condominium Association; Certificate of Service (Appellees PFP Dorsey et al.)
36. 7-Dec-2022 An "Unopposed Motion for Procedural Order to Extend Time to File Joint Response to Amicus Curiae Briefs and an Unopposed Motion for Procedural Order to Extend Word Limit" having been filed by Appellees PFP Dorsey, et al., on November 30, 2022,

IT IS ORDERED granting a first extension of time to file a Joint Response to Amicus Curiae Briefs on or before January 16, 2023. No further extensions of time shall be granted absent extraordinary circumstances.

IT IS FURTHER ORDERED granting Appellees' motion to exceed the thirty five hundred word count limitation stated in Rules 4(b) and 23(g)(2), Arizona Rules of Civil Appellate Procedure by 3,500 words for a total of 7,000 words. (Tracie K. Lindeman, Clerk)
37. 14-Dec-2022 FILED: Notice of Withdrawal of Counsel; Certificate of Service (Appellee Dorsey Place Condominium)
38. 19-Dec-2022 FILED: Amicus Curiae Brief of Community Associations Institute in Support of Cross-Petition for Review; Certificate of Service; Certificate of Compliance (Amicus Curiae Community Associations)
39. 19-Dec-2022 FILED: Consents to File (Amicus Curiae Community Associations)
40. 20-Dec-2022 SENT: Letter to Quinten T. Cupps (Verification of Pro Hac Vice Status for Robert M. Diamond)
41. 10-Jan-2023 FILED: Unopposed Motion to Associate Counsel Pro Hac Vice and Request to Supplement with Additional Exhibits; Certificate of Service; Copy of Attorneys' Proposed Order (Amicus Curiae Community Associations)

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42. 10-Jan-2023 FILED: Consents (Amicus Curiae Community Associations)
43. 13-Jan-2023 Timothy J Krupnik, having filed an "Unopposed Motion to Associate Counsel Pro Hac Vice and Request to Supplement with Additional Exhibits" asking that Robert M Diamond, James C Martin, and Ted A Hages be allowed to appear and participate in the above-referenced matter on a temporary basis and having provided exhibits that the appropriate application and related materials have been submitted to the State Bar of Arizona on December 13, 2022, pursuant to Rule 39(a)(2), Arizona Rules of the Supreme Court,
- IT IS ORDERED granting the Motion and authorizing Robert M Diamond, James C Martin, and Ted A Hages to appear Pro Hac Vice on a temporary basis before the Court in this matter pending completion of the full association process.
- IT IS FURTHER ORDERED that upon receipt of the State Bar's Notice of Receipt of Complete Application, Counsel will complete the association process set forth in Rule 39(a)(2)(E), Arizona Rules of the Supreme Court. (Hon. John R. Lopez IV)
44. 13-Jan-2023 FILED: Joint Combined Response to Brief Amicus Curiae of Goldwater Institute; Brief of Amicus Curiae for Arizona Homeowners Coalition; and Amicus Curiae Brief of Papago Springs, LLC, Mahdere Gebreyesus Desta, and Gary Allien Stoloff by Defendants/Appellees; Certificate of Service; Certificate of Compliance (Appellees PFP Dorsey et al.)
45. 27-Jan-2023 FILED: Supplement to Unopposed Motion to Associate Counsel Pro Hac Vice; Certificate of Service; (Copy of) Proposed Order re Unopposed Motion to Associate Counsel Pro Hac Vice (Amicus Curiae Community Associations)
46. 31-Jan-2023 Timothy J. Krupnik, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Robert M. Diamond, James C. Martin and Ted A. Hages be allowed to appear and participate in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39(a), Rules of the Supreme Court,
- IT IS ORDERED granting the Motion and authorizing Robert M. Diamond, James C. Martin and Ted A. Hages to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. John R. Lopez IV)
47. 7-Mar-2023 FILED: Notice of Change of Firm; Certificate of Service (Appellees PFP Dorsey et al.)
48. 20-Apr-2023 FILED: Notice of Change of Address and Change of Firm Name; Certificate of Service (Amicus Curiae Community Associations)
49. 4-Aug-2023 ORDERED: Emergency Motion for Procedural Order Clarifying Doc. 4 = CONTINUED.
- FURTHER ORDERED: Plaintiffs/Appellants Jia Cao and Haining "Frazer" Xia's Petition for Review = CONTINUED.
- FURTHER ORDERED: Respondent/Appellee/Cross-Petitioner Dorsey Place Condominium Association's Cross-Petition for Review = CONTINUED.
- FURTHER ORDERED: Request Attorneys' Fees (Appellants CAO et al.) = CONTINUED.
- FURTHER ORDERED: Request for Attorneys' Fees (Appellees PFP Dorsey Investments) = CONTINUED.
- FURTHER ORDERED: Request for Attorneys' Fees (Appellees Dorsey Place Condominium Association) = CONTINUED.

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50. 22-Aug-2023 ORDERED: Emergency Motion for Procedural Order Clarifying Doc. 4 = GRANTED.
- FURTHER ORDERED: GRANTING IN PART the petition and cross-petitions as to these rephrased questions:
1. Either on its face or as applied in this case, does A.R.S. § 33-1228 authorize the taking of private property for private use in violation of Article 2, § 17 of the Arizona Constitution?
 2. If any common elements or units in a condominium are to be sold pursuant to a condominium termination agreement, does A.R.S. § 33-1228 require all the common elements and units to be part of that sale?
 3. If a contract incorporates an unconstitutional statute by reference, are the terms of that statute enforceable as to the contracting parties?
 4. If a condominium declaration incorporates a statute by reference, are subsequent statutory amendments incorporated into the agreement?
- 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. Any amicus briefs are due on or before September 26, 2023 and any responses to amicus briefs are due on or before October 16, 2023. Any amicus briefs or responses may not exceed 20 pages in length.
- FURTHER ORDERED: Request Attorneys' Fees (Appellants CAO et al.) = CONTINUED.
- FURTHER ORDERED: Request for Attorneys' Fees (Appellees PFP Dorsey Investments) = CONTINUED.
- FURTHER ORDERED: Request for Attorneys' Fees (Appellees Dorsey Place Condominium Association) = CONTINUED.
51. 29-Aug-2023 NOTICE OF ORAL ARGUMENT: Set for Tuesday, November 21, 2023 at 9:30 A.M. [twenty (20) minutes per side]
52. 29-Aug-2023 FILED: Notice of Acknowledgment of Oral Argument (Timothy J. Berg will argue) (Appellees PFP Dorsey et al.)
53. 29-Aug-2023 FILED: Notice of Acknowledgment of Oral Argument (Eric M. Fraser will argue) (Appellants CAO et al.)
54. 12-Sep-2023 FILED: Plaintiffs/Appellants Jie Cao and Haining "Frazer" Xia's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellants CAO et al.)
55. 12-Sep-2023 FILED: Defendants / Appellees / Cross-Petitioners PFP Dorsey Investments, LLC and Dorsey Place Condominium Association's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellees PFP Dorsey et al.)
56. 19-Sep-2023 FILED: Supplemental Brief of Amicus Curiae Goldwater Institute in Support of Appellants; Certificate of Service; Certificate of Compliance (Amicus Goldwater)
57. 26-Sep-2023 FILED: Brief Amicus Curiae of Pacific Legal Foundation in Support of Plaintiffs/Appellants; Certificate of Service; Certificate of Compliance (Amicus Pacific Legal Foundation)
58. 26-Sep-2023 FILED: Consent of Parties; Consent of Parties (Amicus Pacific Legal Foundation)
59. 26-Sep-2023 FILED: Supplemental Amicus Curiae Brief of Papago Springs, LLC, Mahdere Gebreyesus Desta, and Gary and Allien Stoloff; Certificate of Service; Certificate of Compliance (Amicus Papago Springs, LLC)
60. 26-Sep-2023 FILED: Brief of Amici Curiae Eric Buckeye, Peter Sczupak, Rekha and Mukesh Tataria, and Amy Wautier in Support of Plaintiffs/Appellants; Certificate of Service; Certificate of Compliance (Amicus Buckeye et al.)
61. 26-Sep-2023 FILED: Consent of all Parties (Amicus Buckeye et al.)
62. 26-Sep-2023 FILED: Supplemental Brief of Amicus Curiae Community Association Institute in Support of Appellee; Certificate of Service; Certificate of Compliance (Amicus Community Association Institute)
63. 26-Sep-2023 FILED: Consent of Parties (Amicus Community Association Institute)
64. 26-Sep-2023 FILED: Brief of the Cato Institute as Amicus Curiae in Support of Plaintiffs/Appellants; Certificate of Service; Certificate of Compliance (Amicus Cato Institute)
65. 26-Sep-2023 FILED: Consent of Party (Amicus Cato Institute)
66. 26-Sep-2023 FILED: Notice of Errata (Certificate of Service); Certificate of Service (Amicus Papago Springs, LLC)
67. 26-Sep-2023 FILED: Notice of Errata - Certificate of Service; Certificate of Service (Amicus Community Association Institute)

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68. 10-Oct-2023 FILED: Motion to Associate Counsel Pro Hac Vice; Certificate of Service (Amicus Pacific Legal Foundation)
69. 11-Oct-2023 James M. Manley, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Kathryn D. Valois be allowed to appear in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39(a), Rules of the Supreme Court,

IT IS ORDERED granting the Motion and authorizing Kathryn D. Valois to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. Robert Brutinel)
70. 16-Oct-2023 FILED: Respondents' Combined Response to Amicus Curiae Supplemental Briefing; Certificate of Service; Certificate of Compliance (Appellees PFP Dorsey, et al.)
71. 24-Oct-2023 FILED: Record from CofA: Electronic Record
72. 10-Nov-2023 FILED: Joint Motion to Extend Time for Oral Argument; Certificate of Service (Appellees PFP Dorsey, et al. and Appellants CAO et al.)
73. 20-Nov-2023 On November 10, 2023, Appellees PFP Dorsey, et al., and Appellants CAO et al., filed a "Joint Motion to Extend Time for Oral Argument." Upon consideration,

IT IS ORDERED denying the motion to extend the time for oral argument. (Hon. Robert Brutinel)
74. 21-Nov-2023 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Eric M. Fraser, Timothy J. Berg)
75. 22-Mar-2024 OPINION - We vacate the court of appeals' decision. We affirm the trial court except as to the issues encompassed in Part II of this Opinion, and remand to that court for further proceedings consistent with this Opinion. (Hon. Clint Bolick; Hon. Robert Brutinel - Concur; Hon. Ann A. Scott Timmer - Concur; Hon. John R Lopez IV - Concur; Hon James P Beene - Concur; Hon William G Montgomery - Concur; Hon. Kathryn H. King - Concur)
76. 5-Apr-2024 FILED: Application for Attorneys' Fees; Certificate of Service; Declaration of Eric M. Fraser in Support of Application for Attorneys' Fees, Costs and Expenses (Appellants CAO et al.)
77. 5-Apr-2024 FILED: Statement of Costs; Certificate of Service; Exhibit A (Appellants CAO et al.)
78. 11-Apr-2024 FILED: Unopposed Motion for Procedural Order; Certificate of Service (Appellees Dorsey Place Condominium)
79. 12-Apr-2024 FILED: Notice of Errata Unopposed Motion for Procedural Order (Appellees Filing Motion Jointly); Certificate of Service (Appellees PFP Dorsey, et al.)
80. 16-Apr-2024 An "Unopposed Motion for Procedural Order" (Appellees PFP Dorsey, et al.) having been filed on April 11, 2024,

IT IS ORDERED granting an extension of time to file objections to Appellants' application for attorneys' fees on or before April 22, 2024. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman, Clerk)