

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0679

DUNLAP v. SHINN, et al.

Appellate Case Information

Case Filed: 15-Nov-2022

Case Closed: 19-Mar-2024

Reinstated x 1: 19-Jun-2024 Decision

Re-Closed:

Dept/Composition

Department B

Hon. Michael J Brown
Hon. Andrew M Jacobs
Hon. Angela K Paton

Side 1. LARRY DONNELL DUNLAP, Plaintiff/Appellant

(Litigant Group) LARRY DONNELL DUNLAP

- Larry Donnell Dunlap

PRO SE

Side 2. DAVID SHINN, et al., Defendant/Appellee

(Litigant Group) DAVID SHINN, et al.

- David Shinn
D Schell
Sergeant Holten
Keefe Corporation

Attorneys for: Defendants/Appellees

Daniel P Schaack, Esq. (AZ Bar No. 10715)

CASE STATUS

Jun 19, 2024....Reinstated Case

Jun 18, 2024.....Pending in ASC

PREDECESSOR CASE (S)

Table with 6 columns: Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR CV2022-091040 Tort Non Motor Vehicle Peter A Thompson, Authoring Judge of Order

DESCENDENT CASE (S)

ASC CV-24-0119-PR

2 CASE DECISIONS

06-Feb-2023 ORDER

Vacated

ORDERED: Dismissing this appeal.

Filed: 06-Feb-2023

Mandate:

Decision Disposition

Dismissed

Melina Brill.....Author

16-Jan-2024 MEMORANDUM DECISION

Angela Paton.....Author

Michael Brown.....Concur

Andrew Jacobs.....Concur

Filed: 16-Jan-2024

Mandate:

Decision Disposition

Affirmed

57 PROCEEDING ENTRIES

- 1. 15-Nov-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 10/17/22
2. 15-Nov-2022 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 16-Nov-2022 ORDERED: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). There is no appellee's filing fee due in this matter. Appellant's Case Management Statement due 12/6/22 and Opening Brief due 1/17/23. FURTHER ORDERED: copy of this order to Arizona Department of Corrections, and copy of order and case management statement form to appellant personally. Amy M Wood - Author
4. 30-Nov-2022 FILED: Case Management Statement (Appellant Pro Per)
5. 19-Jan-2023 FILED: Notice of Substitution of Counsel; Certificate of Service (Appellee)

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6. 6-Feb-2023 ORDERED: Dismissing this appeal. Melina Brill ProTem Judge - Author
7. 17-Feb-2023 FILED: Motion for Reconsideration of the Court's Decision to Dismiss Appellant's Appeal (Appellant Pro Per)
8. 22-Feb-2023 ORDERED: Requesting that appellees file a response to the motion (motion for reconsideration) by 03/06/2023. FURTHER ORDERED: Appellant may file a reply in accordance with ARCAP 6(a)(2). The court will rule on the motion following expiration of the time for a response and reply. Melina Brill ProTem Judge - Author
9. 6-Mar-2023 FILED: Response to Motion for Reconsideration; Certificate of Service (Appellee)
10. 15-Mar-2023 FILED: Appellant Replys [sic] to the Appellees Response's to Appellant's Motion for Reconsideration and Appellant Request Waiver of Rules (Appellant Pro Per)
11. 23-Mar-2023 ORDERED: Motion for Reconsideration of the Court's Decision to Dismiss Appellant's Appeal (Appellant Pro Per) = GRANTED. FURTHER ORDERED: The opening brief is due by 04/20/2023. If the opening brief is not timely filed, the court will dismiss this appeal. Hon David B Gass - Author
12. 23-Mar-2023 ORDERED: Motion for Reconsideration of the Court's Decision to Dismiss Appellant's Appeal (Appellant Pro Per) = GRANTED. FURTHER ORDERED: The opening brief is due by 04/20/2023. If the opening brief is not timely filed, the court will dismiss this appeal. Hon David B Gass - Author
13. 30-Mar-2023 FILED: Motion for Copy of Appellant's Motion for Reconsideration and Appellant's Reply Motion (Appellant Pro Per)
14. 20-Apr-2023 FILED: Motion for Waiver of the Rules of the Court of Appeals Due to the Appellees Agents Interferences of Appellant's Access to the Court (Appellant Pro Per)
15. 25-Apr-2023 FILED: Letter, 4/24/23, from Court to Appellant, re: Copy Request
16. 9-May-2023 FILED: Response to Motion for Waiver of the Rules of the Court of Appeals; Certificate of Service (Appellee)
17. 15-May-2023 FILED: Copy Request (Appellant Pro Per)
18. 15-May-2023 FILED: Application for Deferral or Waiver of Court Fees and/or Costs and Consent to Entry of Judgment (Appellant Pro Per)
19. 19-May-2023 FILED: Appellant Replys [sic] to the Appellees [sic] Response's [sic] to Appellant's Motion of Waiver of the Rules of the Court of Appeals (Appellant Pro Per)
20. 24-May-2023 ORDERED: Requesting that appellees file a sur-reply to the motion (motion for waiver of the court rules) by 05/30/2023. Melina Brill ProTem Judge - Author
21. 31-May-2023 FILED: Surreply to Motion for Waiver of the Rules of the Court of Appeals; Certificate of Service (Appellee)
22. 5-Jun-2023 ORDERED: Motion for Waiver of the Rules of the Court of Appeals Due to the Appellees Agents Interferences of Appellant's Access to the Court (Appellant Pro Per) = DENIED. FURTHER ORDERED: Appellant shall notify the court if he is unable to obtain copies of documents he files in this appeal. FURTHER ORDERED: Appellees shall monitor the docket in this appeal and notify the court if they do not receive service of a document within one week after a document is filed. FURTHER ORDERED: Extending the time to file the opening brief to 07/05/2023. If the opening brief is not timely filed, the court will dismiss this appeal. Hon Kent E Cattani - Author
23. 5-Jul-2023 FILED: Opening Brief of Plaintiff/Appellant Larry Donnell Dunlap
24. 21-Aug-2023 FILED: Answering Brief of Governor Ducey and Director Shinn; Certificate of Compliance; Certificate of Service (Appellee)
25. 1-Sep-2023 FILED: Appellant Replys [sic] to Appellees [sic] Answering Brief of Governor Ducey and Director Shinn (Appellant Pro Per)
26. 7-Sep-2023 ORDERED: Appellant must file the certificate of compliance by 09/22/2023. If the certificate is not timely filed, the court may impose sanctions, including striking the reply brief. Melina Brill ProTem Judge - Author

[Amended per order filed 09/08/2023]
27. 8-Sep-2023 ORDERED: Amending the 09/07/2023 order by deleting the title "Order Denying Motion to Strike" and replacing it with "Order Directing Certificate of Compliance." Melina Brill ProTem Judge - Author
28. 11-Sep-2023 FILED: Motion for Procedural Order to Submit Corrected Answering Brief; Certificate of Service (Appellees)
29. 11-Sep-2023 FILED: Answering Brief of Governor Ducey and Director Shinn (Corrected); Certificate of Service (Appellee)
30. 13-Sep-2023 ORDERED: Motion for Procedural Order to Submit Corrected Answering Brief (Appellees) = GRANTED and accepting the answering brief filed on 09/11/2023, in place of the brief filed on 08/21/2023. Melina Brill ProTem Judge - Author
31. 25-Sep-2023 FILED: Appellant Comply [sic] with the Court's Order Dated 09/07/2023 (Appellant Pro Per)

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32. 25-Sep-2023 FILED: Appellant Request [sic] a Rehearing on the Court's Decision to Grant the Defendants [sic] Motion for Procedural Order to Submit Corrected Answering Brief (Appellant Pro Per)
33. 25-Sep-2023 FILED: Appellant Replys [sic] to Appellees [sic] Answering Brief of Governor Ducey and Director Shinn (Copy of Reply Brief with Certificate of Compliance) (Appellant Pro Per)
34. 26-Sep-2023 ORDERED: Appellant Comply [sic] with the Court's Order Dated 09/07/023 (Appellant Pro Per) = GRANTED and accepting the certificate of compliance. Melina Brill ProTem Judge - Author
35. 27-Sep-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
36. 27-Sep-2023 ORDERED: Requesting that appellees file a response to the motion (motion for rehearing) by 10/06/2023. Melina Brill ProTem Judge - Author
37. 2-Oct-2023 FILED: Response to Motion for Rehearing of Order Allowing Corrected Answering Brief; Order Re: Response; Certificate of Service (Appellees)
38. 4-Oct-2023 ORDERED: Appellant Request [sic] a Rehearing on the Court's Decision to Grant the Defendants [sic] Motion for Procedural Order to Submit Corrected Answering Brief (Appellant Pro Per) = GRANTED in part. FURTHER ORDERED: Appellant may file a supplemental reply brief by 10/27/2023, limited to addressing the heading changes in the substituted answering brief. Hon David B Gass - Author
39. 6-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
40. 23-Oct-2023 FILED: Motion in Reply to Appellees [sic] Response to Appellant's Motion for Rehearing of Order Allowing the Appellees Corrected Answering Brief (Appellant Pro Per)
41. 25-Oct-2023 CLNDR: CONFERENCE, Department B, 12-19-23, COURTROOM 1.
42. 13-Nov-2023 FILED: Motion for Court Sanctions Against Appellant for Not Asking the Court to Dismiss this Case Against Appelles [sic] (Appellant Pro Per)
43. 16-Nov-2023 FILED: Motion for Extension of Time for Appellant to File His Supplemental Reply by October 27, 2023 and for a Copy of the Court's Docket Schedule (Appellant Pro Per)
44. 16-Nov-2023 FILED: Motion for Court Sanctions Against Appellees for Retaliation Against Appellant for not Asking the Court to Dismiss this Case Against Appelles [sic] (Appellant Pro Per)
45. 21-Nov-2023 ORDERED: Motion for Court Sanctions Against Appellant for Not Asking the Court to Dismiss this Case Against Appelles [sic] (Appellant Pro Per) = DENIED. ORDERED [sic]: Motion for Extension of Time for Appellant to File His Supplemental Reply by October 27, 2023 and for a Copy of the Court's Docket Schedule (Appellant Pro Per) = DENIED. FURTHER ORDERED: Granting the request for a copy of the Court's docket. FURTHER ORDERED: Directing the Clerk's Office to mail a copy of the Court's docket to the Plaintiff/Appellant. FURTHER ORDERED: Motion for Court Sanctions Against Appellees for Retaliation Against Appellant for not Asking the Court to Dismiss this Case Against Appelles [sic] (Appellant Pro Per) = DENIED. Hon Michael J Brown - Author
46. 16-Jan-2024 MEMORANDUM DECISION (Affirmed) Hon Angela K Paton - Author; Hon Michael J Brown - Concur; Hon Andrew M Jacobs - Concur
47. 16-Jan-2024 FILED: Decision Distribution Notification
48. 26-Jan-2024 FILED: Motion for Reconsideration of the Courts Decision to Deny Appellant Relief in this Case (Appellant Pro Per)
49. 2-Feb-2024 ORDERED: Motion for Reconsideration of the Court's Decision to Deny Appellant Relief in this Case (Appellant Pro Per) = DENIED. Hon Angela K Paton - Author
50. 19-Mar-2024 FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.
51. 22-Apr-2024 FILED: Motion for the Court to Withdraw the Mandate Filed on 03/19/2024 (Appellant Pro Per)
52. 2-May-2024 FILED: Motion for Status of Case (Appellant Pro Per)
53. 6-May-2024 ORDERED: Motion for the Court to Withdraw the Mandate Filed on 03/19/2024 (Appellant Pro Per) = DENIED. Hon Angela K Paton - Author
54. 13-May-2024 FILED: Letter, 5/13/24, from Court to Appellant, enclosing copy of docket
55. 18-Jun-2024 FILED: Email Notice from ASC re: Petition for Review filed 06/07/24; request for partial record
56. 19-Jun-2024 ORDERED: reinstating this appeal for the purpose of transferring documents requested by the Arizona Supreme Court for review. Amy M Wood - Author

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57. 19-Jun-2024 FILED: Letter forwarding partial record to Arizona Supreme Court