

Court of Appeals, Division One**Civil-Election Appeal-ARCAP 8.1****1 CA-CV 22-0696 EL****VOICE, et al. v. HALL, et al.****Appellate Case Information**

Case Filed: 22-Nov-2022

Case Closed:

Dept/Composition**Department E**

Hon. Samuel A Thumma

Hon. Cynthia J Bailey

Hon. David B Gass

Side 1. VOICE OF SURPRISE, et al., Plaintiff/Appellant**(Litigant Group) VOICE, et al.**

- Voice of Surprise
- Quintus Schulzke

Attorney for: Plaintiffs/Appellants

Timothy A LaSota, Esq. (AZ Bar No. 20539)

Side 2. SKIP HALL, et al., Defendant/Appellee**(Litigant Group) HALL, et al.**

- Skip Hall
- Patrick Duffy
- Chris Judd
- Roland F Winters, Jr.
- Aly Cline
- Jack Hastings
- Ken Remley
- Sherry Aguilar
- City of Surprise

Attorneys for: Defendants/Appellees Hall et al.

Robert W Wingo, Esq. (AZ Bar No. 23534)

Ellen M Van Riper, Esq. (AZ Bar No. 11751)

Melinda A Bird, Esq. (AZ Bar No. 13163)

(Litigant Group) TRUMAN

- Truman Ranch 46 SWC LLC

Attorneys for: Defendant/Appellee Truman

Jeffrey D Gross, Esq. (AZ Bar No. 11510)

(Litigant Group) DOMINIUM

- Dominium Inc

Attorneys for: Defendant/Appellee Dominium

Cameron C Artigue, Esq. (AZ Bar No. 11376)

CASE STATUS

May 9, 2023.....Pending in ASC

PREDECESSOR CASE (S)

MAR

CV 2022-013360

Cause/Charge/ClassRequest for Mandamus
Relief**Judgment/Sentence****Judge, Role <Comments>**Scott A Blaney, Authoring
Judge of Order**Trial****Dispo****DESCENDENT CASE (S)**

ASC

CV-23-0117-PR

2 CASE DECISIONS**07-Feb-2023 MEMORANDUM DECISION**

Samuel Thumma.....Author

Cynthia Bailey.....Concur

David Gass.....Concur

Filed: 07-Feb-2023

Mandate:

Decision Disposition

Affirmed

Court of Appeals, Division One

Civil-Election Appeal-ARCAP 8.1

1 CA-CV 22-0696 EL

VOICE, et al. v. HALL, et al.

2 CASE DECISIONS

27-Apr-2023 OPINION



Vacated

Vacated by ASC Decision Order filed 06/23/2023

Filed: **27-Apr-2023**

Mandate:

Decision Disposition

Affirmed

Samuel Thumma.....Author

Cynthia Bailey.....Concur

David Gass.....Concur

44 PROCEEDING ENTRIES

1. 22-Nov-2022 FILED: Notice of Filing of Notice of Appeal; Certificate of Service (Appellant)
2. 22-Nov-2022 FILED: Statement Designating This Case as Expedited Election Matter; Request to Set an Initial Telephonic Scheduling Conference; Notification of Non-Designation of Transcript; Certificate of Service (Appellant)
3. 29-Nov-2022 RECEIPT No.: 2022-01205 ; \$280.00, Authorization: #33006269768, Applied to: VOICE, et al. - Class A Filing Fee (\$280.00) Paid for: Timothy A La Sota PLC - By nCourt LLC
4. 30-Nov-2022 ORDERED: This court, presiding Judge Samuel A. Thumma, Judge Cynthia J. Bailey and Vice Chief Judge David B. Gass, held an ARCAP 10(g) Scheduling Conference with the parties, who were represented as follows: (see order). During Scheduling Conference, court and parties discussed following information as required by ARCAP 10(g): (see order). Accordingly, the deadlines for briefing are as follows:
 - Opening Brief on Appeal: 12/19/2022
 - Answering Briefs on Appeal/Opening Briefs on Cross-Appeals: 12/29/2022
 - Reply Brief on Appeal/Answering Briefs on Cross-Appeals: 01/05/2023
 - Reply Briefs on Cross-Appeals: 01/12/2023
 All briefs must be filed and served electronically and are due no later than 5:00 p.m. on date they are due. (see order). Oral argument is set for 01/25/2023 at 3:00 p.m. in Courtroom 1. Hon Samuel A Thumma - Author
5. 1-Dec-2022 AMENDED ORDER: This court, presiding Judge Samuel A. Thumma, Judge Cynthia J. Bailey and Vice Chief Judge David B. Gass, held an ARCAP 10(g) Scheduling Conference with the parties, who were represented as follows: (see order). During Scheduling Conference, court and parties discussed following information as required by ARCAP 10(g): (see order). Accordingly, the deadlines for briefing are as follows:
 - Opening Brief on Appeal: 12/19/2022
 - Answering Briefs on Appeal/Opening Briefs on Cross-Appeals: 12/29/2022
 - Reply Brief on Appeal/Answering Briefs on Cross-Appeals: 01/05/2023
 - Reply Briefs on Cross-Appeals: 01/12/2023
 All briefs must be filed and served electronically and are due no later than 5:00 p.m. on date they are due. (see order). Oral argument is set for 01/25/2023 at 3:00 p.m. in Courtroom 1. Hon Samuel A Thumma - Author
6. 1-Dec-2022 FILED: Record on Appeal:
Combined Instruments/Minute Entries
e-Exhibits: Hearing Date 11/2/22 - List and #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23
7. 2-Dec-2022 FILED: Notice of Filing of Notice of Appeal with Signed Final Judgment; Certificate of Service (Appellant)
8. 2-Dec-2022 FILED: Notice of Filing of Oral Argument Acknowledgment; Certificate of Service (Appellant)
9. 7-Dec-2022 FILED: Return Receipt for Notice of Oral Argument, signed by Jeffrey Gross on 12/01/2022 (Appellee Truman Ranch)
10. 12-Dec-2022 RECEIPT No.: 2022-01242 ; \$140.00, Authorization: #46004824523, Applied to: TRUMAN - Class B Filing Fee (\$140.00) Paid for: Berry Riddell LLC - By nCourt LLC
11. 18-Dec-2022 FILED: Opening Brief of Plaintiffs-Appellants; Certificate of Compliance Opening Brief; Certificate of Service Opening Brief (Appellant)
12. 21-Dec-2022 FILED: Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar and City of Surprise's Notice of Filing Transcript; Certificate of Service of Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar and City of Surprise's Notice of Filing Transcript (Appellee Hall)
13. 21-Dec-2022 FILED: Reporter's Transcript - 11/02/2022 - Hearing (Kimberly McCright) (Appellee Hall)
14. 29-Dec-2022 FILED: Answering Brief of Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar and City of Surprise; Certificate of Compliance for Answering Brief of Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar and City of Surprise; Certificate of Service of Answering Brief of Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar and City of Surprise (Appellee Hall)

Court of Appeals, Division One**Civil-Election Appeal-ARCAP 8.1****1 CA-CV 22-0696 EL****VOICE, et al. v. HALL, et al.****44 PROCEEDING ENTRIES**

15.	29-Dec-2022	FILED: Appendix to Answering Brief of Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar and City of Surprise (Appellee Hall)
16.	29-Dec-2022	FILED: Answering Brief and Brief on Cross Appeal; Certificate of Compliance for Answering Brief and Brief on Cross Appeal; Certificate of Service for Answering Brief and Brief on Cross Appeal (Appellees Dominion & Truman)
17.	4-Jan-2023	RECEIPT No.: 2023-00010 ; \$140.00, Authorization: #04007148868, Applied to: DOMINIUM - Class B Filing Fee (\$140.00) Paid for: Gammage & Burnham PLC - By nCourt LLC
18.	5-Jan-2023	FILED: Reply Brief to Real Parties in Interest's Answering Brief and Answering Brief to Real Parties in Interest's Cross Appeal; Certificate of Compliance [sic] Answering Brief/Reply Brief (to Real Parties in Interest Brief); Certificate of Service (Appellant)
19.	5-Jan-2023	FILED: Reply Brief to Answering Brief of City of Surprise; Certificate of Compliance [sic] Reply Brief (to City Brief); Certificate of Service (Appellant)
20.	9-Jan-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Ellen Van Riper on 12/01/2023 [sic] (Appellee Hall)
21.	12-Jan-2023	FILED: Reply Brief on Cross Appeal; Certificate of Compliance for Reply Brief on Cross Appeal; Certificate of Service for Reply Brief on Cross Appeal (Appellees Dominion and Truman)
22.	23-Jan-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Jeffrey Gross on 12/01/2022; Certificate of Service (Appellee Truman)
23.	26-Jan-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 01/25/2023
24.	31-Jan-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
25.	7-Feb-2023	MEMORANDUM DECISION (Affirmed) Hon Samuel A Thumma - Author; Hon Cynthia J Bailey - Concur; Hon David B Gass - Concur [withdrawn per order filed 04/27/2023]
26.	7-Feb-2023	FILED: Memorandum Decision Distribution List [withdrawn per order filed 04/27/2023]
27.	10-Feb-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
28.	13-Feb-2023	FILED: Plaintiffs-Appellants' Motion To Reconsider; Certificate Of Compliance [sic] Motion To Reconsider; Certificate Of Service Opening Brief [sic] (Appellant)
29.	21-Feb-2023	FILED: Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar, and City of Surprise's Motion for Publication; Certificate of Compliance for Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar, and City of Surprise's Motion for Publication; Certificate of Service of Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar, and City of Surprise's Motion for Publication; Exhibit A (Appellee Skip Hall)
30.	23-Feb-2023	ORDERED: Any party wishing to file a response to these motions may do so within 10 business days after the date of this order. FURTHER ORDERED: Any party wishing to file a reply, not to exceed 2,000 words, to any response may do so within 5 business days after the service of the response. FURTHER ORDERED: Upon the expiration of these time periods, the Court may take further action on these Motions without further notice to the parties. Hon Samuel A Thumma - Author
31.	8-Mar-2023	FILED: Plaintiffs-Appellants' Response To Motion To Publish; Court of Appeals Order Allowing Response to Motions; Certificate of Service (Appellant)
32.	9-Mar-2023	FILED: Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar, And City Of Surprise's Response To Plaintiffs/Appellants Voice Of Surprise And Schulzke Motion For Reconsideration; Order Allowing Responses to Motions; Certificate of Service of Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar and City of Surprise's Response to Plaintiffs/Appellants Voice of Surprise and Schulzke Motion for Reconsideration (Appellee)
33.	9-Mar-2023	FILED: Response of Appellee Dominion to Motion for Reconsideration; Order Allowing Responses to Motions; Certificate of Service for Response of Dominion to Motion for Reconsideration (Appellee)
34.	15-Mar-2023	FILED: Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar, And City Of Surprise's Reply In Support Of Motion For Publication; Court of Appeals Order Allowing Responses to Motions; Certificate Of Service Of Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar And City Of Surprise's Reply In Support Of Motion For Publication (Appellee Hall et al.)
35.	16-Mar-2023	FILED: Plaintiffs-Appellants' Reply To City's Response To Motion To Reconsider; Order Allowing Responses to Motions; Certificate of Service (Appellant)

Court of Appeals, Division One**Civil-Election Appeal-ARCAP 8.1****1 CA-CV 22-0696 EL****VOICE, et al. v. HALL, et al.****44 PROCEEDING ENTRIES**

36. 16-Mar-2023 FILED: Plaintiffs-Appellants' Reply To Dominion's Response To Motion To Reconsider; Order Allowing Responses to Motions; Certificate of Service (Appellant)
37. 27-Apr-2023 FURTHER [sic] ORDERED: Defendants/Appellees Hall, Duffy, Judd, Winters, Jr., Cline, Hastings, Remley, Aguilar, and City of Surprise's Motion for Publication (Appellee Skip Hall) = GRANTED and withdrawing the Memorandum Decision filed 02/07/2023 and substituting it with the Opinion issued contemporaneously with this Order. ORDERED [sic]: Plaintiffs-Appellants' Motion To Reconsider (Appellant) = DENIED. FURTHER ORDERED: The Clerk of the Court distribute copies of this Order to all who received notification of the Memorandum Decision. Hon Samuel A Thumma - Author
38. 27-Apr-2023 OPINION (Affirmed) Hon Samuel A Thumma - Author; Hon Cynthia J Bailey - Concur; Hon David B Gass - Concur
[Vacated by ASC Decision Order filed 06/23/2023]
39. 27-Apr-2023 FILED: Opinion Distribution List
40. 9-May-2023 FILED: Email Notice from ASC re: Petition for Review filed 05/07/2023; request for partial record
41. 9-May-2023 FILED: Letter forwarding partial record to Arizona Supreme Court
42. 6-Jun-2023 FILED: ASC Order filed 06/06/2023 re: Petition for Review granted as to the rephrased issues (see order)
43. 23-Jun-2023 FILED: ASC Order re: Vacating COA1 Opinion. ORDERED: Vacating the court of appeals' opinion. FURTHER ORDERED: Reversing the superior court's judgment and remanding to that court to permit Appellants to answer the Dominion counterclaim and allege any applicable equitable defenses. The court should thereafter address the merits of any such defenses. FURTHER ORDERED: A written opinion detailing the Court's reasoning will follow in due course.
44. 1-Sep-2023 FILED: Arizona Supreme Court Mandate to Maricopa County Superior Court - COA1 Opinion Vacated - Remanded to Superior Court