

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 23-0139**

**SIMMS v. SIMMS, et al.**

**Appellate Case Information**

Case Filed: 17-Mar-2023

Case Closed:

**Dept/Composition**

**Department A**

Hon. Angela K Paton  
 Hon. Michael S Catlett  
 Hon. James B Morse

**Side 1. RONALD A. SIMMS, Plaintiff/Appellant/Cross-Appellee**

(Litigant Group) RONALD A SIMMS

- Ronald A Simms

**Attorneys for: Plaintiff/Appellant/Cross-Appellee**

Thomas A Zlaket, Esq. (AZ Bar No. 1819)  
 Nathan J Novak, Esq. (CA Bar No. 240473)  
 Dominic Emil Draye, Esq. (AZ Bar No. 33012)  
 Matthew P Hoxsie, Esq. (AZ Bar No. 34952)

**Side 2. JEREMY E. SIMMS, et al., Defendant/Appellee/Cross-Appellant**

(Litigant Group) JEREMY E. SIMMS, et al.

- Jeremy E Simms
- T P Racing LLLP
- Bell Racing LLC

**Attorneys for: Defendant/Appellee/Cross-Appellant**

James M Torre, Esq. (AZ Bar No. 17523)  
 Michael Vincent, Esq. (AZ Bar No. 29864)  
 Michael C Manning, Esq. (AZ Bar No. 16255)

(Litigant Group) ARIZONA RACING COMMISSION

- Arizona Racing Commission

**Attorneys for: Defendant/Appellee/Cross-Appellant**

Christopher L Hering, Esq. (AZ Bar No. 28169)

**Side 3. ARIZONA DEPARTMENT OF GAMING, Defendant/Appellee**

(Litigant Group) ARIZONA DEPARTMENT OF GAMING

- Arizona Department of Gaming

**Attorneys for: Defendant/Appellee AZ Dept of Gaming**

John G Kerkorian, Esq. (AZ Bar No. 12224)  
 Michael Stephen Myers, Esq. (AZ Bar No. 29978)

**Side 4. PROFESSOR ILAN WURMAN, Amicus Curiae**

(Litigant Group) PROFESSOR ILAN WURMAN

- Ilan Wurman  
 AZ Bar No. 34974

**Attorneys for: Amicus Curiae Wurman**

Ilan Wurman, Esq. (AZ Bar No. 34974)

**Side 5. PACIFIC LEGAL FOUNDATION, Amicus Curiae**

(Litigant Group) PACIFIC LEGAL FOUNDATION

- Pacific Legal Foundation

**Attorneys for: Amicus Curiae PLF**

Aditya Dynar, Esq. (AZ Bar No. 31583)

**CASE STATUS**

Mar 19, 2024....Under Advisement

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR LC2016-000505-001	Judicial Review of Administrative Decision		Timothy J Thomason, Authoring Judge of Order		

**CALENDAR**

<b>Tuesday</b>	MONTHLY COURT CASE CALENDAR	CV Cases
<b>19-Mar-2024</b>	<b>Department A; COURTROOM 1</b>	
10:15 AM	RONALD A SIMMS.....	20 mins.
	ARIZONA RACING COMMISSION.....	20 mins.
	JEREMY E. SIMMS, et al.....	(none)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0139****SIMMS v. SIMMS, et al.****2 PENDING MATTERS****General Motion**

Filed: 27-Jul-2023

\* TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Request for Judicial Notice (Appellee Simms)

Scheduled: 1-Sep-2023

8/9 - Appellant's Opposition to TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Request for Judicial Notice (Appellant/Cross-Appell)

**General Motion**

Filed: 16-Feb-2024

\* Appellant's Request for Judicial Notice (Appellant/Cross-Appellee)

**79 PROCEEDING ENTRIES**

1. 17-Mar-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/17/23
2. 17-Mar-2023 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits: None sent with e-Record
3. 17-Mar-2023 FILED: Additional Record on Appeal:  
Physical Exhibits: Appellant Ronald A. Simm's Appendix Of Exhibits In Support of his Opening Brief - Volume # 1 Thru 5 in box 1 of 7 Filed 08/04/2017; Appellant Ronald A. Simm's Appendix of Exhibits in support of his Opening Brief- Volume # 6 Thru 10 in box 2 of 7 Filed 08/04/2017; Appellant Ronald A. Simm's Appendix of Exhibits in Support of his Opening Brief - Volume #11 Thru 15 in box 3 of 7 filed 08/04/2017; Appellant Ronald A Simm's Appendix of Exhibits in Support of his Opening Brief - Volume # 16 Thru 20 in box 4 of 7 filed 08/04/2017; Appellant Ronald A Simms Appendix of Exhibits in Support of his Opening Brief - Volume # 21 Thru 25 in box 5 of 7 Filed 08/04/2017; Appellant Ronald A Simms Appendix of Exhibits in Support of his Opening Brief - Volume # 26 Thru 30 in box 6 of 7 Filed 08/04/2017; Appellant Ronald A Simms Appendix of Exhibits in Support of his Opening Brief - Volume # 31 in box 7 of 7 Filed 08/04/2017; Exhibits Hearing Date 03/23/2017 in Manila Envelope Exhibits: Hearing Date 03/29/2017 in Manila Envelope
4. 17-Mar-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 21-Mar-2023 RECEIPT No.: 2023-00282 ; \$280.00, Check Number: #957423, Applied to: RONALD A SIMMS - Class A Filing Fee (\$280.00) Paid for: - By Greenberg Traurig LLP
6. 24-Mar-2023 FILED: Appellate Clerk Notice Re: Cross Appellant's Fee and Case Management Statement Due/Appellant's Brief Due
7. 24-Mar-2023 FILED: Joint Notice of Filing Additional Transcripts (Reporter's Transcript - 04/26/2017 - Oral Argument (Patricia Kotarba)) (Reporter's Transcript - 06/07/2017 - Status Conference (Helene Beatty)) (Reporter's Transcript - 02/23/2018 - Oral Argument on Appeal Briefs (Karen Bolton)) (Reporter's Transcript - 03/21/2018 - Oral Argument Set (Kimberly McCright)) (Reporter's Transcript - 04/09/2018 - Continued Oral Argument on Appeal Briefs (Karen Bolton)) (Reporter's Transcript - 07/24/2018 - Status Conference (Luz Franco)) (Reporter's Transcript - 01/25/2019 - Oral Argument (Patricia Kotarba)) (Reporter's Transcript - 01/05/2022 - Telephonic Status Conference (Jacob Ruleaux)) ; Certificate of Service of Joint Notice of Filing Additional Transcripts (Appellee/Cross-Appellant AZ Racing Commission)
8. 29-Mar-2023 FILED: Notice of Appellees/Cross-Appellants TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Payment of Filing Fee; Certificate of Service Re Notice of Appellees/Cross-Appellants TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Payment of Filing Fee (Appellee/Cross-Appellant Simms)
9. 4-Apr-2023 RECEIPT No.: 2023-00323 ; \$280.00, Authorization: #94009871111, Applied to: JEREMY E. SIMMS, et al. - Class A Filing Fee (\$280.00) Paid for: Stinson LLP - By nCourt LLC
10. 6-Apr-2023 FILED: Case Management Statement (Appellant/Cross-Appellee)
11. 24-Apr-2023 FILED: Joint Case Management Statement (Appellee/Cross-Appellants AZ Racing Commission and Simms)
12. 28-Apr-2023 FILED: Appellant's Motion to Dismiss the Cross-Appeal; Certificate of Service (Appellant/Cross-Appellee)
13. 4-May-2023 FILED: Notice of Withdrawal of Dentons US LLP; Certificate of Service for Notice of Withdrawal of Dentons US LLP (Appellant/Cross-Appellee)
14. 12-May-2023 FILED: Arizona Racing Commission's Response to Motion to Dismiss Cross-Appeal; Certificate of Service for Arizona Racing Commission's Response to Motion to Dismiss Cross-Appeal (Appellee/Cross-Appellant AZ Racing Commission)
15. 12-May-2023 FILED: TP Racing, Jeremy Simms, and Bell Racing's Response to Appellant's Motion to Dismiss the Cross-Appeal; Certificate of Service (Appellee/Cross-Appellant Simms)
16. 16-May-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
17. 16-May-2023 FILED: Appendix in Support of Appellant's Opening Brief (Volume I) (Appellant/Cross-Appellee)
18. 16-May-2023 FILED: Appendix in Support of Appellant's Opening Brief (Volume II) (Appellant/Cross-Appellee)

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19. 16-May-2023 FILED: Appendix in Support of Appellant's Opening Brief (Volume III) (Appellant/Cross-Appellee)
20. 19-May-2023 FILED: Appellant's Reply in Support of Motion to Dismiss the Cross-Appeal; Certificate of Service (Appellant)
21. 25-May-2023 FILED: Motion for Procedural Order Extending Time for Appellees/Cross-Appellants to File Combined Answering and Opening Brief; Certificate of Service (Appellee/Cross-Appellant Simms)
22. 26-May-2023 ORDERED: Motion for Procedural Order Extending Time for Appellees/Cross-Appellants to File Combined Answering and Opening Brief (Appellee/Cross-Appellant Simms) = GRANTED. Due date EXTENDED from Monday, 06-26-2023 to Wednesday, 07-26-2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
23. 2-Jun-2023 ORDERED: Appellant's Motion to Dismiss the Cross-Appeal (Appellant/Cross-Appellee) = DENIED without prejudice to such arguments being raised in the briefing. Hon Kent E Cattani - Author
24. 26-Jul-2023 FILED: Appellees/Cross-Appellants' Joint Combined Opening and Answering Brief; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellants AZ Racing Commission and Simms)
25. 26-Jul-2023 FILED: Appendix to Appellees-Cross-Appellants Joint Opening Brief on Cross-Appeal and Response Brief; Appendix No. 1 CA-CV 23-0139 July 26, 2022 (Appendix Volume 2); Appendix No. 1 CA-CV 23-0139 July 26, 2022 (Appendix Volume 3); Appendix No. 1 CA-CV 23-0139 July 26, 2022 (Appendix Volume 4) (Appellee/Cross-Appellants AZ Racing Commission and Simms)
26. 27-Jul-2023 FILED: Appendix to Appellees-Cross-Appellants Joint Opening Brief on Cross-Appeal and Response Brief (Continued); Appendix No. 1 CA-CV 23-0139 July 26, 2022 (Appendix Volume 6); Certificate of Service (Appellee/Cross-Appellants AZ Racing Commission and Simms)
27. 27-Jul-2023 FILED: TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Request for Judicial Notice; Exhibits 1-3 (Appellee Simms)
28. 28-Jul-2023 FILED: Certificate of Service of TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Request for Judicial Notice (Appellee/Cross-Appellant)
29. 9-Aug-2023 FILED: Appellant's Opposition to TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Request for Judicial Notice; Certificate of Service (Appellant/Cross-Appellee)
30. 15-Aug-2023 FILED: TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Motion for Procedural Order Extending Deadline for Reply in Support of Request for Judicial Notice; Certificate of Service of TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Motion for Procedural Order (Appellee/Cross-Appellant Simms)
31. 15-Aug-2023 ORDERED: TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Motion for Procedural Order Extending Deadline for Reply in Support of Request for Judicial Notice (Appellee/Cross-Appellant Simms) = GRANTED and extending the time to file the reply from 08/16/2023 to 08/25/2023. Melina Brill ProTem Judge - Author
32. 25-Aug-2023 FILED: TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Reply in Support of Request for Judicial Notice; Certificate of Service of TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Reply in Support of Request for Judicial Notice; Exhibits A and B (Appellee/Cross-Appellant Simms)
33. 28-Aug-2023 ORDERED: Deferring a ruling on the motion (Request for Judicial Notice) to the panel that considers this appeal on the merits. Melina Brill ProTem Judge - Author
34. 29-Aug-2023 FILED: Notice of Withdrawal of Counsel; Certificate of Service for Notice of Withdrawal of Counsel (Appellee/Cross-Appellant AZ Racing Commission)
35. 30-Aug-2023 FILED: Motion for Procedural Order Extending Time for Appellant/Cross-Appellee Ronald A. Simms to File Combined Reply Brief on Appeal / Answering Brief on Cross-Appeal; Certificate of Service (Appellant/Cross-Appellee)
36. 30-Aug-2023 ORDERED: Motion for Procedural Order Extending Time for Appellant/Cross-Appellee Ronald A. Simms to File Combined Reply Brief on Appeal / Answering Brief on Cross-Appeal (Appellant/Cross-Appellee) = GRANTED and extending the time to file the reply brief/cross-appeal answering brief from 09/05/2023 to 09/12/2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
37. 12-Sep-2023 FILED: Appellant's Combined Reply Brief on Appeal / Answering Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellant)
38. 12-Sep-2023 FILED: Supplemental Appendix in Support of Appellant's Combined Reply Brief on Appeal / Answering Brief on Cross-Appeal (Volume IV) (Appellant/Cross-Appellee)
39. 20-Sep-2023 FILED: Joint Motion for Procedural Order (Extension for Cross-Reply); Certificate of Service for Joint Motion for Procedural Order (Appellees/Cross-Appellants)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0139****SIMMS v. SIMMS, et al.****79 PROCEEDING ENTRIES**

40. 21-Sep-2023 ORDERED: Joint Motion for Procedural Order (Extension for Cross-Reply) (Appellees/Cross-Appellants) = GRANTED. Due date EXTENDED from Monday, 10-02-2023 to Wednesday, 11-01-2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
41. 1-Nov-2023 FILED: Appellees/Cross-Appellants' Joint Reply Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellants AZ Racing Commission and Simms)
42. 1-Nov-2023 FILED: Supplemental Appendix to Appellees/Cross-Appellants' Joint Reply Brief on Cross-Appeal (Appellee/Cross-Appellants AZ Racing Commission and Simms)
43. 21-Nov-2023 FILED: Motion for Leave to File Brief Amicus Curiae; Certificate of Service; Proposed Brief of Amicus Curiae Professor Ilan Wurman on Behalf of Plaintiff-Appellant Ronald Simms (Amicus Curiae Wurman)
44. 22-Nov-2023 FILED: Motion for Leave to File Brief Amicus Curiae of Pacific Legal Foundation in Support of Appellant Ronald A. Simms; Certificate of Service; Declaration of Aditya Dynar, Esq. (Amicus Curiae PLF)
45. 22-Nov-2023 FILED: Motion for Leave to File Brief Amicus Curiae of Pacific Legal Foundation in Support of Appellant Ronald A. Simms (Duplicate); Certificate of Service (Duplicate) (Amicus Curiae PLF)
46. 22-Nov-2023 FILED: Brief Amicus Curiae of Pacific Legal Foundation in Support of Appellant Ronald Simms; Certificate of Compliance; Certificate of Service (Amicus Curiae PLF)
47. 28-Nov-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
48. 6-Dec-2023 FILED: Response to Motions for Leave to File Amicus Brief; Certificate of Service for Response to Motions for Leave to File Amicus Brief (Appellee/Cross-Appellant AZ Racing Commission)
49. 6-Dec-2023 FILED: TP Racing, LLLP, Jeremy E. Simms, and Bell Racing, LLC's Response to Ilan Wurman's Motion for Leave to File Brief Amicus Curiae; Certificate of Service of TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Response to Ilan Wurman's Motion for Leave to File Brief Amicus Curiae (Appellees/Cross-Appellants Simms)
50. 6-Dec-2023 FILED: TP Racing, Jeremy Simms and Bell Racing LLC Response to Pacific Legal Foundation's Motion for Leave to File Brief Amicus Curiae; Certificate of Service of TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Response to Pacific Legal Foundation's Motion for Leave to File Brief Amicus Curiae (Appellees/Cross-Appellants Simms)
51. 6-Dec-2023 FILED: Reply in Support of Motion for Leave to File Brief Amicus Curiae; Certificate of Service (Amicus Curiae Wurman)
52. 8-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
53. 11-Dec-2023 FILED: Reply in Support of Motion for Leave to File Brief Amicus Curiae of Pacific Legal Foundation in Support of Appellant Ronald A. Simms; Certificate of Service; Certificate of Compliance (Amicus Curiae PLF)
54. 15-Dec-2023 ORDERED: Motion for Leave to File Brief Amicus Curiae (Amicus Curiae Wurman)/Motion for Leave to File Brief Amicus Curiae of Pacific Legal Foundation in Support of Appellant Ronald Simms (Amicus Curiae PLF) = GRANTED and accepting the amicus curiae briefs of Professor Ilan Wurman and Pacific Legal Foundation filed on 11/21/2023 and 11/22/2023, respectively. FURTHER ORDERED: Any party may file a response to each brief by 01/04/2024. Hon David B Gass - Author
55. 18-Dec-2023 FILED: Appellees-Cross-Appellants' Joint Motion for Procedural Order Extending Deadline for Responses to Amicus Curiae Briefs; Appellees-Cross-Appellants' Certificate of Service Re Joint Motion for Procedural Order Extending Deadline for Responses to Amicus Curiae Briefs (Appellees/Cross-Appellants)
56. 18-Dec-2023 FILED: Appellant's Opposition to Third Extension of Time; Certificate of Service (Appellant/Cross-Appellee)
57. 19-Dec-2023 ORDERED: Appellees-Cross-Appellants' Joint Motion for Procedural Order Extending Deadline for Responses to Amicus Curiae Briefs (Appellees/Cross-Appellants) = GRANTED in part and extending the time to file all responses from 01/04/2024 to 01/24/2024. Melina Brill ProTem Judge - Author
58. 21-Dec-2023 CLNDR: CONFERENCE, Department A, 2-20-24, CONFERENCE ROOM.
59. 3-Jan-2024 ORDERED: Setting oral argument in this matter on 02/20/2024, at 9:30 a.m. in Courtroom 1 (see order). Hon Angela K Paton - Author
60. 10-Jan-2024 FILED: Motion for Procedural Order to Continue Oral Argument; Certificate of Service for Motion for Procedural Order to Continue Oral Argument; Declaration of Christopher L. Hering (Appellee/Cross-Appellant AZ Racing Commission)
61. 11-Jan-2024 FILED: Appellant's Opposition to the Request to Continue Oral Argument; Certificate of Service (Appellant/Cross-Appellee)
62. 11-Jan-2024 FILED: TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Reply Concerning the Request to Continue Oral Argument; Certificate of Service of TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Reply Concerning the Request to Continue Oral Argument (Appellees/Cross-Appellants Simms)

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 23-0139**

**SIMMS v. SIMMS, et al.**

**79 PROCEEDING ENTRIES**

63.	11-Jan-2024	FILED: Reply in Support of Motion for Procedural Order to Continue Oral Argument; Certificate of Service for Reply in Support of Motion for Procedural Order to Continue Oral Argument (Cross-Appellant)
64.	16-Jan-2024	ORDERED: Motion for Procedural Order to Continue Oral Argument (Appellee/Cross-Appellant AZ Racing Commission) = GRANTED and vacating the Oral Argument set for 02/20/2024. FURTHER ORDERED: Setting oral argument in this matter for 03/19/2024, at 10:15 a.m. in Courtroom 1 (see order). Hon Angela K Paton - Author
65.	24-Jan-2024	FILED: Appellees/Cross-Appellants' Joint Response to Pacific Legal Foundation's Brief Amicus Curiae; Certificate of Service (Appellee/Cross-Appellant AZ Racing Commission and Simms)
66.	24-Jan-2024	FILED: Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant AZ Racing Commission and Simms)
67.	24-Jan-2024	FILED: Appellees/Cross-Appellants' Joint Response to Professor Ilan Wurman's Brief Amicus Curiae; Certificate of Service (Appellee/Cross-Appellant AZ Racing Commission and Simms)
68.	24-Jan-2024	FILED: Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant AZ Racing Commission and Simms)
69.	29-Jan-2024	FILED: Notice of Oral Argument
70.	16-Feb-2024	FILED: Appellant's Request for Judicial Notice; Certificate of Service (Appellant/Cross-Appellee)
71.	1-Mar-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Dominic Draye on 03/01/2024 (Appellant/Cross-Appellee)
72.	4-Mar-2024	FILED: TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Response to Appellant's Request for Judicial Notice; Certificate of Service Re TP Racing, L.L.L.P., Jeremy E. Simms, and Bell Racing, LLC's Response to Appellant's Request for Judicial Notice (Appellee/Cross-Appellant)
73.	4-Mar-2024	FILED: Response to Appellant's Request for Judicial Notice; Certificate of Service for Response to Appellant's Request for Judicial Notice (Cross-Appellant)
74.	8-Mar-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Christopher Hering on 01/29/2024 (Appellee/Cross-Appellant AZ Racing Commission)
75.	11-Mar-2024	FILED: Appellant's Reply in Support of Request for Judicial Notice; Certificate of Service (Appellant/Cross-Appellee)
76.	11-Mar-2024	FILED: Return Receipt for Notice of Oral Argument, signed by James Torre on 01/16/2024 (Appellee/Cross-Appellant Simms)
77.	19-Mar-2024	FILED: Sign-in Sheet/Case is Under Advisement as of 03/19/2024
78.	22-Mar-2024	FILED: Notice of Withdrawal of Counsel within Firm; Certificate of Service for Notice of Withdrawal of Counsel with Firm (Appellee/Cross-Appellant AZ Racing Commission)
79.	1-Apr-2024	FILED: Notice of Errata; Certificate of Service for Notice of Errata (Appellee/Cross-Appellant Simms)