

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 24-0095****WHITMER, et al. v. HILTON/PROCACCIANTI****Appellate Case Information**

Case Filed: 14-Feb-2024

Case Closed:

**Dept/Composition****Side 1. R. L. WHITMER, et al., Plaintiff/Appellant****(Litigant Group) R. L. WHITMER, et al.**

- R L Whitmer
- Colleen London

**Attorneys for: Plaintiffs/Appellants**

Ross P Meyer, Esq. (AZ Bar No. 28473)

**Side 2. HILTON CASITAS COUNCIL OF HOMEOWNERS, Defendant/Appellee****(Litigant Group) HILTON CASITAS COUNCIL OF HOMEOWNERS**

- Hilton Casitas Council of Homeowners

**Attorneys for: Defendant/Appellee**

R Corey Hill, Esq. (AZ Bar No. 12188)

Ginette M Hill, Esq. (AZ Bar No. 18272)

Christopher Robbins, Esq. (AZ Bar No. 11064)

**Side 3. PROCACCIANTI AZ II, LP, Intervenor/Appellee****(Litigant Group) PROCACCIANTI AZ II, LP**

- Procaccianti AZ II LP

**Attorneys for: Intervenor/Appellee**

Andrew M Federhar, Esq. (AZ Bar No. 6567)

Jessica Anne Gale, Esq. (AZ Bar No. 30583)

**CASE STATUS**

Apr 6, 2024.....Motion for Reconsideration Pending

**PREDECESSOR CASE(S)**

MAR CV2015-053091

**Cause/Charge/Class**

Request for Receiver

**Judgment/Sentence****Judge, Role <Comments>**Melissa Iyer Julian,  
Authoring Judge of Order**Trial****Dispo****OPEN DUE DATE****Court Ordered Document due****Due By:**

Wednesday, May 29, 2024

Re: \* ORDERED: Directing the superior court to determine whether the record is accurate and whether any documents are missing. In issuing this order, this court expresses no opinion on the accuracy of the record.  
FURTHER ORDERED: Within 5 days from the date o

**CALENDAR**

Friday MOTION CALENDAR

26-Apr-2024 Department M;

File date: 4/6/2024..... \* Motion to Reinstate the Appeal of 1 CA-CV 24-0095 (Appellants)

4/15 - Intervenor / Appellee Procaccianti Az II, L.P.'S Response to Motion to Reinstate the Appeal of 1- CA-CV-24-0095 (Intervenor/Appellee)

**PENDING MATTER****General Motion**

\* Motion to Reinstate the Appeal of 1 CA-CV 24-0095 (Appellants)

Filed: 6-Apr-2024

Scheduled: 26-Apr-2024

4/15 - Intervenor / Appellee Procaccianti Az II, L.P.'S Response to Motion to Reinstate the Appeal of 1- CA-CV-24-0095 (Intervenor/Appellee)

# Court of Appeals, Division One

## Civil Appeal

**1 CA-CV 24-0095**

**WHITMER, et al. v. HILTON/PROCACCIANTI**

### CASE DECISION

28-Mar-2024 ORDER

\* ORDERED: Dismissing this appeal. FURTHER ORDERED: Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals and Motion to Correct Caption in Appeals (Appellee) = DENIED. FURTHER ORDERED: Denying the motion to correct caption as the caption refl

Filed: **28-Mar-2024**

Mandate:

Decision Disposition

**Dismissed**

David Gass.....Author

### 21 PROCEEDING ENTRIES

1. 14-Feb-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/16/24
2. 14-Feb-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 14-Feb-2024 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 5-Mar-2024 RECEIPT No.: 2024-00219 ; \$280.00, Authorization: #65007339184, Applied to: R. L. WHITMER, et al. - Class A Filing Fee (\$280.00) Paid for: R. L. WHITMER, et al. - By nCourt LLC
5. 11-Mar-2024 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
6. 11-Mar-2024 FILED: Settlement Conference Program Notice
7. 12-Mar-2024 FILED: Intervenor/Appellee Procaccianti AZ II, L.P.'s Notice of Payment of Filing Fee; Intervenor/Appellee Procaccianti AZ II, L.P.'s Certificate of Service of Notice of Payment of Filing Fee (Appellee Procaccianti)
8. 12-Mar-2024 FILED: Notice of Appellee's Filing Fee for Hilton Casitas Council of Homeowners; Certificate of Service (Appellee Hilton)
9. 15-Mar-2024 FILED: Procaccianti's Joinder in Appellants [sic] Motion to Consolidate 1-CA-CV-0108, 1-CA-CV-24-0110 and 1-CA-CV-0114 with 1-CA-CV-0095; Certificate of Service of Procaccianti's Joinder in Appellants [sic] Motion to Consolidate 1-CA-CV-0108, 1-CA-CV-24-0110 and 1-CA-CV-0114 with 1-CA-CV-0095 (Appellee Procaccianti)
10. 18-Mar-2024 RECEIPT No.: 2024-00264 ; \$140.00, Authorization: #78012422198, Applied to: HILTON CASITAS COUNCIL OF HOMEOWNERS - Class B Filing Fee (\$140.00) Paid for: Hill Hall & DeCiancio PLC - By nCourt LLC
11. 18-Mar-2024 RECEIPT No.: 2024-00268 ; \$140.00, Authorization: #78012422198, Applied to: PROCACCIANTI AZ II, LP - Class B Filing Fee (\$140.00) Paid for: Spencer Fane LLP - By nCourt LLC
12. 18-Mar-2024 FILED: Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals and Motion to Correct Caption in Appeals; Certificate of Service - Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals -and Motion to Correct Caption in Appeals (Appellee)
13. 25-Mar-2024 FILED: Case Management Statement (Appellant)
14. 25-Mar-2024 FILED: Notice of Errata (Request to Accept refiled CMS 03/25); Certificate of Service - Case Management Statement (Appellant)
15. 28-Mar-2024 ORDERED: Dismissing this appeal. FURTHER ORDERED: Defendant Hilton Casitas' Joinder in Motion to Consolidate Appeals and Motion to Correct Caption in Appeals (Appellee) = DENIED. FURTHER ORDERED: Denying the motion to correct caption as the caption reflects what Hilton Casitas Council of Homeowners requests. Hon David B Gass - Author
16. 6-Apr-2024 FILED: Motion to Reinstate the Appeal of 1 CA-CV 24-0095; Certificate of Service (Appellant)
17. 8-Apr-2024 ORDERED: Any response (to the Motion to Reinstate the Appeal of 1 CA-CV 24-0095) is due by 04/19/2024. Melina Brill ProTem Judge - Author
18. 15-Apr-2024 FILED: Intervenor / Appellee Procaccianti Az II, L.P.'S Response to Motion to Reinstate the Appeal of 1- CA-CV-24-0095; Intervenor / Appellee Procaccianti Az II, L.P.'S Certificate of Service of Response to Motion to Reinstate the Appeal of 1- CA-CV-24-0095 (Intervenor/Appellee)
19. 17-Apr-2024 FILED: Defendant Hilton Casitas' Response to Motions to Reinstate in No. 1 CA-CV 24-0095, No. 1 CA-CV 24-0108, and No. 1 CA-CV 24-0114; Certificate of Service for Defendant Hilton Casitas' Response to Motions to Reinstate in No. 1 CA-CV 24-0095, No. 1 CA-CV 24-108, and No. 1 CA-CV 24-0114 (Defendant/Appellee)
20. 22-Apr-2024 FILED: Reply in Support of Motion to Reinstate the Appeal of 1 CA-CV 24-0095; Certificate of Service (Appellant)

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 24-0095**

**WHITMER, et al. v. HILTON/PROCACCIANTI**

**21 PROCEEDING ENTRIES**

21. 29-Apr-2024 ORDERED: Directing the superior court to determine whether the record is accurate and whether any documents are missing. In issuing this order, this court expresses no opinion on the accuracy of the record. FURTHER ORDERED: Within 5 days from the date of this order, appellants shall file a motion in the superior court with this order attached, requesting a ruling regarding the accuracy of the record. FURTHER ORDERED: The superior court may in its discretion hold an evidentiary hearing and may direct the parties to file any motions or documents it deems necessary to determine the accuracy of the record. FURTHER ORDERED: Within 5 days after the superior court issues a ruling, appellants must file a notice with this court with the ruling attached. Upon receipt of the superior court's ruling, this court will rule on the motion to reinstate. FURTHER ORDERED: Directing appellants to file written notice with this court of the status of the superior court proceedings by 05/29/2024. Hon David B Gass - Author