

Court of Appeals, Division One

Tax Appeal

1 CA-TX 23-0001

TUCSON v. ORBITZ, et al.

Appellate Case Information

Case Filed: 28-Feb-2023

Case Closed:

Dept/Composition

Department E

Hon. James B Morse
Hon. Cynthia J Bailey
Hon. Brian Y Furuya

Side 1. CITY OF TUCSON, Plaintiff/Appellee/Cross-Appellant

(Litigant Group) CITY OF TUCSON

- City of Tucson

Attorneys for: Plaintiff/Appellee/Cross-Appellant

Scott G Andersen, Esq. (AZ Bar No. 20094)
John W Crongeyer, Esq. (GA Bar No. 197267)
Alexandria Seay, Esq. (GA Bar No. 290667)

Side 2. ORBITZ WORLDWIDE, INC., et al., Defendant/Appellant/Cross-Appellee

(Litigant Group) ORBITZ WORLDWIDE, INC., et al.

- Orbitz LLC
- Expedia Inc
- Hotels.com LP
- Hotwire Inc
- Trip Network Inc
- Internetwork Publishing Corp

Attorneys for: Defendant/Appellant/Cross-Appellee

Marsha Cotton, Esq. (AZ Bar No. 35167)
Elizabeth B Herrington, Esq. (MO Bar No. 48975)
Edward J Hermes, Esq. (AZ Bar No. 30529)
Thomas M Peterson, Esq. (CA Bar No. 96011)
Barbara J Dawson, Esq. (AZ Bar No. 12104)

CASE STATUS

Feb 12, 2024....Pending in ASC

PREDECESSOR CASE (S) +	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
ATC TX2014-000470			M Scott McCoy, Authoring Judge of Order		
ATC TX2014-000471					
ATC TX2014-000472					
ATC TX2014-000473					

DESCENDENT CASE (S)

ASC CV-24-0029-PR

CASE DECISION

11-Jan-2024 **MEMORANDUM DECISION**

Brian Furuya.....Author
James Morse.....Concur
Cynthia Bailey.....Concur

Filed: 11-Jan-2024 Mandate:

Decision Disposition

Vacated
Remanded

37 PROCEEDING ENTRIES

- 28-Feb-2023 FILED: Index of Record, Notice of Appeal from Arizona Tax Court filed 01/30/23
- 28-Feb-2023 FILED: e-Record on Appeal: (TX2014-000470)
Instruments/Minute Entries
Exhibits: None

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3.	28-Feb-2023	FILED: e-Record on Appeal: (TX2014-000471) Instruments/Minute Entries Exhibits: None
4.	28-Feb-2023	FILED: e-Record on Appeal: (TX2014-000472) Instruments/Minute Entries Exhibits: None
5.	28-Feb-2023	FILED: e-Record on Appeal: (TX2014-000473) Instruments/Minute Entries Exhibits: None
6.	28-Feb-2023	FILED: e-Record on Appeal: (TX2014-000474) Instruments/Minute Entries Exhibits: None
7.	28-Feb-2023	FILED: e-Record on Appeal: (TX2014-000475) Instruments/Minute Entries Exhibits: None
8.	28-Feb-2023	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief due
9.	28-Feb-2023	FILED: Notice of Appearance and Payment of Appellants/Cross-Appellees' Filing Fee; Certificate of Service (Appellant/Cross-Appellee)
10.	3-Mar-2023	RECEIPT No.: 2023-00210 ; \$280.00, Authorization: #62010386016, Applied to: ORBITZ WORLDWIDE, INC., et al. - Class A Filing Fee (\$280.00) Paid for: Snell & Wilmer LLP - By nCourt LLC
11.	6-Mar-2023	FILED: Notice of Substitution of Counsel Within Firm; Certificate of Service to Notice of Substitution of Counsel Within Firm (Appellant/Cross-Appellee)
12.	14-Mar-2023	FILED: Appellate Clerk Notice Re: No Cross Appellant's Fee due; Cross Appellant's Case Management Statement Due/Appellant's Brief Due
13.	20-Mar-2023	FILED: Case Management Statement; Judgment (Appellant/Cross-Appellee)
14.	13-Apr-2023	FILED: Case Management Statement (Appellee/Cross-Appellant)
15.	1-May-2023	FILED: Defendants/Appellants/Cross-Appellees' Opening Brief; Certificate Of Compliance To Defendants/Appellants/Cross-Appellees' Opening Brief; Certificate Of Service To Defendants/Appellants/Cross-Appellees' Opening Brief (Appellant/Cross-Appellee)
16.	12-Jun-2023	FILED: Plaintiff/Appellee/Cross-Appellant's Combined Response And Opening Brief; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
17.	24-Jul-2023	FILED: Defendants/Appellants/Cross-Appellees' Combined Reply And Response Brief; Certificate of Compliance to Defendant/Appellants/Cross-Appellees' Combined Reply and Response Brief; Certificate of Service to Defendant/Appellants/Cross-Appellees' Combined Reply and Response Brief (Appellant/Cross-Appellee)
18.	14-Aug-2023	FILED: Plaintiff/Appellee/Cross-Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
19.	25-Aug-2023	FILED: Defendants/Appellants/Cross-Appellees' Notice of Request for Oral Argument; Certificate of Service to Defendants/Appellants/Cross-Appellees' Notice of Request for Oral Argument (Appellants/Cross-Appellees)
20.	28-Aug-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21.	8-Sep-2023	ORDERED: Defendants/Appellants/Cross-Appellees' Notice of Request for Oral Argument (Appellants/Cross-Appellees) = GRANTED. Hon David B Gass - Author
22.	8-Sep-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (TX2014-000470)
23.	26-Sep-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 11-9-23, 09:30 am, COURTROOM 1.
24.	26-Sep-2023	FILED: Notice of Oral Argument

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25.	28-Sep-2023	FILED: Motion to Associate Counsel Thomas M. Peterson Pro Hac Vice; (Untitled) Certificate of Service; (Proposed) Order Re Motion to Associate Counsel Thomas M. Peterson Pro Hac Vice; Exhibits A-C (Appellants/Cross-Appellees)
26.	29-Sep-2023	FILED: Return Receipt Re Oral Argument, signed by John Crongeyer, on 9/26/23 (Appellee/Cross-Appellant)
27.	19-Oct-2023	ORDERED: Motion to Associate Counsel Thomas M. Peterson Pro Hac Vice (Appellants/Cross-Appellees) = GRANTED and permitting Thomas M. Peterson of the firm Morgan, Lewis & Bockius LLP to appear pro hac vice as co-counsel for Defendants/Appellants/Cross-Appellees with Ed Hermes of the firm Snell & Wilmer LLP as local counsel. Hon James B Morse Jr. - Author
28.	1-Nov-2023	FILED: Return Receipt Re Oral Argument, signed by Thomas M. Peterson, on 9/26/23; Certificate Of Service To Defendants/Appellants/Cross-Appellees' Return Receipt For Oral Argument (Appellant/Cross-Appellee)
29.	7-Nov-2023	FILED: Motion for Procedural Order (Motion to Remove Counsel of Record); Certificate of Service to Defendants/Appellants/Cross-Appellees' Motion for Procedural Order (Appellants/Cross-Appellees)
30.	7-Nov-2023	ORDERED: Motion for Procedural Order (Motion to Remove Counsel of Record) (Appellants/Cross-Appellees) = GRANTED. FURTHER ORDERED: Removing Barbara J. Dawson and adding Thomas M. Peterson as counsel of record. Hon Brian Y Furuya - Author
31.	9-Nov-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 11/9/23
32.	27-Nov-2023	FILED: Appellee/Cross Appellant's Notice of Supplemental Legal Authority; Certificate of Service (Appellee/Cross-Appellant)
33.	30-Nov-2023	FILED: Appellants/Cross-Appellees' Response to Appellee/Cross-Appellant's Notice of Supplemental Legal Authority; Certificate of Service for Appellants/Cross-Appellees' Response to Appellee/Cross-Appellant's Notice of Supplemental Legal Authority (Appellant/Cross Appellee)
34.	11-Jan-2024	MEMORANDUM DECISION (Vacated, Remanded) Hon Brian Y Furuya - Author; Hon James B Morse Jr. - Concur; Hon Cynthia J Bailey - Concur
35.	11-Jan-2024	FILED: Decision Distribution Notification
36.	12-Feb-2024	FILED: Email Notice from ASC re: Petition for Review filed 02/12/2024; request for partial record
37.	14-Feb-2024	FILED: Letter forwarding partial record to Arizona Supreme Court