

**Arizona Supreme Court**  
**Civil Petition for Review - Appeal**

**CV-23-0261-PR**

**CITY OF SURPRISE v CIRCLE CITY WATER CO/LAKE et al**

**Appellate Case Information**

Case Filed: 17-Oct-2023 Archive on: 25-Jun-2034 (planned)  
 Case Closed: 25-Jun-2024

**Dept/Composition**

**Side 1. CITY OF SURPRISE, Plaintiff/Appellee**  
 (Litigant Group) CITY OF SURPRISE

- City of Surprise

**Attorneys for: Plaintiff/Appellee**

Robert A Henry, Esq. (AZ Bar No. 15104)  
 Robert W Wingo, Esq. (AZ Bar No. 23534)

**Side 2. CIRCLE CITY WATER COMPANY, LLC, Cross-Claimant**  
 (Litigant Group) CIRCLE CITY WATER COMPANY, LLC

- Circle City Water Company LLC, Defendant/Appellee

**Attorneys for: Cross-Claimant**

Meghan Grabel, Esq. (AZ Bar No. 21362)  
 Phillip W Londen, Esq. (AZ Bar No. 32488)  
 Elias J Ancharski, Esq. (AZ Bar No. 35590)

**Side 3. LAKE PLEASANT 5000, LLC, et al., Cross-Defendant**  
 (Litigant Group) LAKE PLEASANT 5000, LLC, et al.

- Lake Pleasant 5000 LLC, Defendant/Appellant, Cross-Claimant
- Harvard Investments Inc, Defendant/Appellant
- Rex Maughan, Defendant/Appellant
- Ruth Maughan, Defendant/Appellant
- ESTATE: Maughan Revocable Trust of 2007 dated August 24 2007, Defendant/Appellant

**Attorneys for: Cross-Defendant**

Dale S Zeitlin, Esq. (AZ Bar No. 6615)  
 Casandra C. Markoff, Esq. (AZ Bar No. 33990)

**Side 4. VALLEY PARTNERSHIP, Amicus Curiae**  
 (Litigant Group) VALLEY PARTNERSHIP

- Valley Partnership

**Attorneys for: Amicus Curiae**

Cameron C Artigue, Esq. (AZ Bar No. 11376)  
 Jacqueline Marzocca, Esq. (AZ Bar No. 37140)

**CASE STATUS**

Jun 25, 2024....Case Closed

Jun 25, 2024....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-CV 22-0532					
↔ MAR CV2018-011038	Eminent Domain/Condemnation		Joseph P Mikitish, Authoring Judge of Order Comments: (none)		

**CASE DECISION**

25-Jun-2024 **ORDER**

ORDERED: Petition for Review = DENIED.

Filed: 25-Jun-2024

Mandate:

Decision Disposition
<b>Denied</b>

**30 PROCEEDING ENTRIES**

- 17-Oct-2023 FILED: Motion for Procedural Order Extending Time to File Petition for Review; Certificate of Service (Counter-Claimants/Cross-Defendants/Appellants Lake Pleasant 5000, et al.)

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**30 PROCEEDING ENTRIES**

2. 19-Oct-2023 A "Motion for Procedural Order Extending Time to File Petition for Review" (Counter-Claimants/Cross-Defendants/ Appellants Lake Pleasant 5000, et al.) having been filed on October 17, 2023,  
  
IT IS ORDERED granting a first extension of time to file the petition for review on or before November 17, 2023. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by November 17, 2023. (Tracie K. Lindeman, Clerk)
3. 17-Nov-2023 FILED: Defendants/Counter-Claimants/Cross-Defendants/Appellants' Petition for Review; Certificate of Service; Certificate of Compliance; Memorandum Decision (Counter-Claimants/Cross-Defendants/Appellants Lake Pleasant 5000, et al.)
4. 20-Nov-2023 FILED: Record From CofA: Electronic Record
5. 22-Nov-2023 FILED: Motion for Procedural Order Extending Time to Respond to Petition for Review; Certificate of Service (Plaintiff/Appellee City of Surprise)
6. 27-Nov-2023 A "Motion for Procedural Order Extending Time to Respond to Petition for Review" (Plaintiff/Appellee City of Surprise) having been filed on November 22, 2023,  
  
IT IS ORDERED granting a first extension of time to file the responses to petition for review on or before January 11, 2024. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman, Clerk)
7. 28-Nov-2023 RECEIPT No.: 2023-00694 ; \$280.00, Authorization: 8826341345967239, Applied to: LAKE PLEASANT 5000, LLC, et al. - Class A Filing Fee (\$280.00) Paid for: LAKE PLEASANT 5000, LLC, et al. - By nCourt LLC
8. 8-Jan-2024 FILED: Defendants/Counter-Claimants/Cross-Defendants/Appellants' Supplemental Authority to Petition for Review; Certificate of Service (Counter-Claimants/Cross-Defendants/Appellants Lake Pleasant 5000, et al.)
9. 11-Jan-2024 FILED: Circle City's Response to Petition for Review; Certificate of Service; Certificate of Compliance (Cross-Claimant Circle City)
10. 11-Jan-2024 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellee City of Surprise)
11. 11-Jan-2024 FILED: Appendix; Certificate of Service (Appellee City of Surprise)
12. 17-Jan-2024 FILED: Lake Pleasant 5000, L.L.C., et al (The "Landowners") Motion to Strike or Alternatively, Request for Supplemental Briefing; Certificate of Service (Counter-Claimants/Cross-Defendants/Appellants Lake Pleasant 5000, et al.)
13. 23-Jan-2024 RECEIPT No.: 2024-00003 ; \$140.00, Authorization: 8123045223570631, Applied to: CIRCLE CITY WATER COMPANY, LLC - Class B Filing Fee (\$140.00) Paid for: CIRCLE CITY WATER COMPANY, LLC - By nCourt LLC
14. 23-Jan-2024 RECEIPT No.: 2024-00004 ; \$140.00, Authorization: 8650811048407619, Applied to: CITY OF SURPRISE - Overpayment Class B (\$140.00) Paid for: CITY OF SURPRISE - By nCourt LLC
15. 23-Jan-2024 FILED: Response to the Landowners' Motion to Strike; Certificate of Service (Cross-Claimant Circle City)
16. 24-Jan-2024 FILED: Reply in Support of Motion to Strike or in the Alternative, Motion to Allow Supplemental Brief; Certificate of Service (Counter-Claimants/Cross-Defendants/Appellants Lake Pleasant 5000, et al.)
17. 26-Jan-2024 On January 17, 2024, Counter-Claimants/Cross-Defendants/ Appellants Lake Pleasant 5000, et al., filed "Motion to Strike or Alternatively, Request for Supplemental Briefing." On January 23, 2024, Cross-Claimant Circle City filed "Response to the Landowners' Motion to Strike" and requested their attorneys' fees and costs associated with responding to the motion. On January 24, 2024, Counter-Claimants/Cross-Defendants/Appellants Lake Pleasant 5000, et al., filed "Reply in Support of Motion to Strike or in the Alternative, Motion to Allow Supplemental Brief." Upon consideration,  
  
IT IS ORDERED denying the motion to strike and the request for supplemental briefing.  
  
IT IS FURTHER ORDERED denying Cross-Claimant Circle City's request for attorneys' fees and costs associated with responding to the motion. (Hon. John R Lopez IV)
18. 31-Jan-2024 FILED: Return of Payment in the amount of \$140.00, State of Arizona Warrant No. 113703 dated 1/31/2024 to Snell & Wilmer, LLP for "Response to Petition for Review" filed by Appellee City of Surprise, (See Dkt No. 10)
19. 9-Feb-2024 FILED: Motion for Procedural Order to Enlarge Time for Filing of Amicus Curiae Brief; Certificate of Service; Brief of Amicus Curiae Valley Partnership in Support of Petition for Review (Amicus Valey Partnership)
20. 9-Feb-2024 FILED: Consent of all Parties (Amicus Valey Partnership)

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**30 PROCEEDING ENTRIES**

21. 16-Feb-2024 A "Motion for Procedural Order to Enlarge Time for Filing of Amicus Curiae Brief" (Amicus Valley Partnership) and the Brief of Amicus Curiae were filed on February 9, 2024.  
  
IT IS ORDERED granting the motion. The brief shall be filed as of February 9, 2024. (Hon. Ann A. Scott Timmer)
22. 29-Feb-2024 FILED: Circle City's Response to Brief of Amicus Curiae Valley Partnership; Certificate of Service; Certificate of Compliance (Defendant/Cross-Claimant/Appellee Circle City)
23. 29-Feb-2024 FILED: Plaintiff/Appellee City of Surprise's Response to Brief of Amicus Curiae Valley Partnership; Certificate of Service; Certificate of Compliance (Appellee City of Surprise)
24. 6-Mar-2024 FILED: [WITHDRAWN per ASC Order Filed 3/13/2024] Lake Pleasant 5000, L.L.C., et al Response to Brief of Amicus Curiae Valley Partnership; Certificate of Service; Certificate of Compliance (Counter-Claimants/Cross-Defendants/Appellants Lake Pleasant 5000, et al.)
25. 6-Mar-2024 FILED: (Duplicate) Certificate of Compliance; (Duplicate) Certificate of Service (Counter-Claimants/Cross-Defendants/Appellants Lake Pleasant 5000, et al.)
26. 8-Mar-2024 FILED: Plaintiff/Appellee City of Surprise's Motion to Strike Lake Pleasant 5000, LL.C., et al.'s Response to Brief of Amicus Curiae Valley Partnership; Certificate of Service (Appellee City of Surprise)
27. 11-Mar-2024 FILED: Joinder in City of Surprise's Motion to Strike Lake Pleasant 5000, L.L.C., et al.'s Response to Brief of Amicus Curiae Valley Partnership; Certificate of Service (Defendant/Cross-Claimant/Appellee Circle City)
28. 12-Mar-2024 FILED: Lake Pleasant 5000, L.L.C., et al.'s Notice of Withdrawal; Certificate of Service (Counter-Claimants/Cross-Defendants/Appellants Lake Pleasant 5000, et al.)
29. 13-Mar-2024 On March 6, 2024, Defendants/Counter-Claimants/Cross-Defendants/Appellants Lake Pleasant 5000, et al. filed a "Response to Brief of Amicus Curiae Valley Partnership." On March 8, 2024, Plaintiff/Appellee City of Surprise filed a "Motion to Strike Lake Pleasant 5000, LL.C., et al.'s Response to Brief of Amicus Curiae Valley Partnership." On March 11, 2024, Defendant/Cross-Claimant/Appellee Circle City Water Co., LLC. Filed a "Joinder in City of Surprise's Motion to Strike Lake Pleasant 5000, LLC, et al.'s Response to Brief of Amicus Curiae Valley Partnership." On March 12, 2024, Defendants/Counter-Claimants/Cross-Defendants/Appellants Lake Pleasant 5000, et al. filed a Notice of Withdrawal of its response to the Amicus Curiae Brief. Accordingly,  
  
IT IS ORDERED the response to the brief of Amicus Curiae Valley Partnership is withdrawn.  
  
IT IS FURTHER ORDERED denying, as moot, the motion to strike the response to the amicus brief. (Tracie K. Lindeman, Clerk)
30. 25-Jun-2024 ORDERED: Petition for Review = DENIED.  
  
FURTHER ORDERED: Request for Attorneys' Fees (Defendant/Cross-Claimant/Appellee Circle City) = DENIED.  
  
Chief Justice Brutinel did not participate in the determination of this matter.
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