

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-24-0063-PR

THUNDERBIRD v HON. VILLA/PHOENIX

Appellate Case Information

Case Filed: 29-Mar-2024

Case Closed:

Dept/Composition

Side 1. THUNDERBIRD DOWNTOWN, LLC, Petitioner/Appellant

(Litigant Group) THUNDERBIRD DOWNTOWN, LLC

• Thunderbird Downtown LLC

PRO SE

Attorneys for: Petitioner/Appellant

• Julian Sanchez

Side 2. ALISHA M. VILLA, et al., Respondent/Appellee

(Litigant Group) ALISHA M. VILLA

• Hon Alisha M Villa
AZ Bar No. 20719

Attorneys for: Respondent/Appellee

Barton Fears, Esq. (AZ Bar No. 18341)

Side 3. CITY OF PHOENIX, Real Party in Interest/Appellee

(Litigant Group) CITY OF PHOENIX

• City of Phoenix

Attorneys for: Real Party in Interest/Appellee

Mark E Borzych, Esq. (AZ Bar No. 21436)

CASE STATUS

Mar 29, 2024....Pending

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CV 23-0157					
↻ MAR	CV2021-017599	Special Action		John L Blanchard, Authoring Judge of Order Comments: (none) Comments: (none)		
↻ MAR	CV2022-007882					

10 PROCEEDING ENTRIES

- 29-Mar-2024 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Ruling (MCSC) Filed 1/23/23 (Petitioner Thunderbird)
- 29-Mar-2024 FILED: Petitioner's Appendix in Support of Petition for Review; Certificate of Service; Exhibits to Appendix (Petitioner Thunderbird)
- 1-Apr-2024 FILED: Record from CofA: Electronic Record
- 4-Apr-2024 RECEIPT No.: 2024-00071 ; \$280.00, Authorization: 8123597463307512, Applied to: THUNDERBIRD DOWNTOWN, LLC - Class A Filing Fee (\$280.00) Paid for: THUNDERBIRD DOWNTOWN, LLC - By nCourt LLC
- 17-Apr-2024 FILED: Motion to Withdraw as Counsel of Record Without Client Consent; Certificate of Service; (Proposed) Order Granting Counsel Withdraw; (Proposed) Order Granting Counsel Withdraw (Petitioner Thunderbird)
- 19-Apr-2024 On April 17, 2024, Petitioner Thunderbird Downtown, LLC, filed "Motion to Withdraw as Counsel of Record Without Client Consent." After consideration,

IT IS ORDERED granting the motion. (Hon. Clint Bolick)
- 25-Apr-2024 FILED: Real Party in Interest/Appellee/Respondent City of Phoenix's Responding Brief to Appellant's Petition for Review; Certificate of Service; Certificate of Compliance (Real Party City of Phoenix)
- 25-Apr-2024 FILED: Appendix; Certificate of Service (Real Party City of Phoenix)
- 13-May-2024 FILED: Motion for Leave to Amend Petition for Review; Certificate of Service (Petitioner)

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10 PROCEEDING ENTRIES

10. 17-May-2024 The Court of Appeals filed its Memorandum Decision on February 29, 2024, and Petitioner Thunderbird Downtown, LLC, through counsel, filed a timely petition for review on March 29, 2024. On April 17, 2024, Petitioner's counsel filed a "Motion to Withdraw as Counsel of Record without Client Consent." On April 19, 2024, the Court granted the Motion to Withdraw. The City of Phoenix, the real party in interest, filed a response to the Petition on April 25, 2024.
- On May 13, 2024, Julian Sanchez, a member of the Petitioner limited liability company, filed a "Motion for Leave to Amend Petition for Review," arguing that he was only provided with the draft petition for review on March 27, 2024, and the petition that was filed on March 29, 2024, did not include all the arguments he wished to raise.
- The Court notes that it has been approximately six weeks since the petition for review was filed. The Motion does not attach a proposed Amended Petition, does not identify when it proposes to file an Amended Petition, and does not explain why any such arguments could not have been brought to the Court in a timely fashion.
- In addition, the Motion was signed by a member of Petitioner who is not licensed to practice law in Arizona. Preparing a document on behalf of an entity for filing in this Court is the practice of law. Ariz. Sup. Ct. R. 31(b). The member argues that because the entity is a single member limited liability company, it should be treated as an individual and not an entity for this purpose. However, the member chose to do business as a limited liability company.
- Based on the foregoing,
- IT IS ORDERED denying Petitioner's Motion for Leave to Amend Petition for Review. The petition will be considered in due course. (Hon. John R Lopez IV)