

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

**CV-24-0068-PR**

**WHARTON v JR PROPERTY**

**Appellate Case Information**

Case Filed: **3-Apr-2024**  
 Case Closed:

**Dept/Composition**

**Side 1. ALICIA LOREN WHARTON, Plaintiff/Appellant**  
 (Litigant Group) ALICIA LOREN WHARTON

• Alicia Loren Wharton PRO SE

**Side 2. JR PROPERTY HOLDINGS, LLC, Defendant/Appellee**  
 (Litigant Group) JR PROPERTY HOLDINGS, LLC

• JR Property Holdings LLC

**Attorneys for: Defendant/Appellee**  
 Michael Paul Rolland, Esq. (AZ Bar No. 30744)  
 Patrick Clisham, Esq. (AZ Bar No. PClisham)

**CASE STATUS**

Apr 3, 2024.....Awaiting Petition for Review

Apr 3, 2024.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CV 23-0002				
↳ MAR	CV2021-014098	Fraud	Bradley H Astrowsky, Authoring Judge of Order Comments: (none)		

**10 PROCEEDING ENTRIES**

- 3-Apr-2024 FILED: Motion for Procedural Order / Extension of Time to File Petition for Review/Response to Petition for Review; Certificate of Service (Appellant Wharton, Pro Se)
- 8-Apr-2024 A "Motion for Procedural Order/Extension of Time to File Petition for Review/Response to Petition for Review" (Appellant Wharton, pro se) having been filed on April 3, 2024,  
  
IT IS ORDERED granting a first extension of time to file the petition for review on or before May 15, 2024. 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 May 15, 2024. (Tracie K. Lindeman, Clerk)
- 6-May-2024 FILED: Motion for Procedural Order / Extension of Time to File Petition for Review/Response to Petition for Review; Certificate of Service (Appellant Wharton, Pro Se)
- 7-May-2024 A "Motion for Procedural Order/Extension of Time to File Petition for Review/Response to Petition for Review" (Appellant Wharton, pro se) having been filed on May 6, 2024,  
  
IT IS ORDERED granting a second extension of time to file the petition for review on or before June 14, 2024. 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 June 14, 2024. (Tracie K. Lindeman, Clerk)
- 10-Jun-2024 FILED: Accelerated Motion for Procedural Order/Extension of time to File Petition for Review/Response to Petition for Review; Certificate of Service; Exhibit 1; Exhibit 2 (Appellant Wharton, Pro Se)
- 10-Jun-2024 FILED: Exhibit 3; Certificate of Service (Appellant Wharton, Pro Se)

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7. 11-Jun-2024 The Court of Appeals issue its Memorandum Decision on March 5, 2024, and denied Appellant's Motion for Reconsideration on March 29, 2024. Any petition for review was therefore due no later than April 15, 2024, see ARCAP 23(b)(1)(B). Appellant filed a Motion for Procedural Order/Extension of Time to File Petition for Review/Response to Petition for Review on April 3, 2024, alleging "unforeseen circumstances" "as the Appellant's legal calendar is extremely busy in April 2024, and makes it near impossible to effectively meet her legal deadlines that are quickly approaching over the next few weeks." The Court granted the first extension through May 15, 2024, advising "This matter is subject to dismissal if the petition for review is not filed by May 15, 2024."
- Appellant filed a second Motion for Procedural Order/Extension of Time to File Petition for Review/Response to Petition for Review on May 6, 2024, alleging "extraordinary circumstances out of her control," specifically her need to file a special action "involving her three (3) minor children, due to an emergency that has arisen, and it needs to be filed as soon as possible for the safety of the family." On May 7, 2024, the Court granted the second extension of time through June 14, 2024, advising "No further extensions of time shall be granted absent extraordinary circumstances."
- On June 10, 2024, Appellant filed her third request for an extension titled Accelerated Motion for Procedural Order/Extension of time to File Petition for Review/Response to Petition for Review. Appellant alleges that she "is actively undergoing treatment for PTSD and other medical issues caused by ongoing stress," and "currently undergoing medical testing and examinations for new and ongoing health conditions." Appellant further advises she "is currently in the process of obtaining an ADA Accommodation from" other courts in different proceedings "due to her medical diagnosis to ensure her rights are protected, and to prevent stigmas for being discriminated against." Appellant's request is supported by an undated letter from a healthcare provider.
- Requests for physical accommodations may be addressed to disability coordinators. However, "[M]otions for continuance are within the exclusive jurisdiction of the judge presiding over the proceedings." Marks v. Tennessee, 562 Fed. Appx. 341, 345 (6th Cir. 2014).
- The Court seeks to balance the interests of maintaining its docket with the interests of both appellants and appellees. The Court observes that Appellant has received two extensions, and a request for accommodations under the Americans with Disabilities Act ("ADA") is within the Court's discretion. See Novak v. Hall, 139 F. Supp. 3d 901, 915 (N.D. Ill. 2015) (noting that "[W]hile it is possible that Plaintiff's request for extensions of time to make filings and meet other deadlines may be denied at some point in the future," under the ADA, "there is no basis for the conclusion that any such decision will be an unreasonable or unlawful one."
- Upon consideration,
- IT IS ORDERED granting Appellant a third extension through and including July 8, 2024 to file a petition for review. No further extensions will be granted lacking extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by July 8, 2024. (Hon James P Beene)
8. 5-Jul-2024 FILED: Accelerated Motion for Procedural Order/Extension of time to File Petition for Review/Response to Petition for Review; Certificate of Service; Exhibit #1; Exhibit #2 (Appellant Wharton, Pro Se)
9. 5-Jul-2024 FILED: (Duplicate) Accelerated Motion for Procedural Order/Extension of time to File Petition for Review/Response to Petition for Review; Certificate of Service; Exhibit #3 (Appellant Wharton, Pro Se)
10. 10-Jul-2024 The Court of Appeals issued its Memorandum Decision on March 5, 2024, and denied Appellant's Motion for Reconsideration on March 29, 2024. Any petition for review was therefore due no later than April 15, 2024, see ARCAP 23(b)(1)(B). The Court has already granted Plaintiff/Appellant Wharton three extensions of time to file a petition for review, each time cautioning her that no further extensions will be granted absent extraordinary circumstances. In the most recent order, the Court extended her deadline to file a petition for review to July 8, 2024. On July 5, 2024, Appellant filed an "Accelerated Motion for Procedural Order/Extension of Time to File Petition for Review/Response to Petition for Review." In this motion, Appellant contends that various developments have arisen in unrelated trial court proceedings. Appellant also contends that she need not request an extension from Appellee because of her characterization of its conduct as "contemptuous" and because of her "allegations of fraud," also acknowledging that she did not request an extension due to the "limited time available," having filed her fourth request for an extension one business day before the July 8 deadline to file her petition for review. Appellant has failed to establish extraordinary circumstances to warrant a further extension of time to file her petition for review. Therefore,
- IT IS ORDERED denying the request for extension. This matter will be dismissed on July 26, 2024, if no compliant and timely petition for review is filed before 5:00 p.m. on July 25, 2024. (Hon. Kathryn H. King)