

Arizona Supreme Court

Civil Special Action

CV-24-0134-SA

JEREMY DAVID MILLIS v HON. FELL/STATE

Appellate Case Information

Case Filed: 25-Jun-2024

Case Closed:

Dept/Composition

Side 1. JEREMY DAVID MILLIS, Petitioner

(Litigant Group) JEREMY DAVID MILLIS

- Jeremy David Millis

Attorneys for: Petitioner

Thomas E Higgins, Jr, Esq. (AZ Bar No. 4324)

Salam Ali Tekbali, Esq. (AZ Bar No. 35053)

Side 2. HON. HOWARD FELL, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Pima, Respondent Judge

(Litigant Group) HON. HOWARD FELL, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Pima

- Hon. Howard J Fell

Side 3. STATE OF ARIZONA, Real Party in Interest

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Real Party in Interest

Laura Winsky Conover, Esq. (AZ Bar No. 24080)

James William Rappaport, Esq. (AZ Bar No. 31699)

CASE STATUS

Jul 5, 2024.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
PIM CR20130560-001			Howard J Fell, Trial		

13 PROCEEDING ENTRIES

1.	25-Jun-2024	FILED: [STRICKEN per ASC Order Dated 06/27/2024] Complaint in Special Action; STAY Request; Certificate of Compliance; Certificate of Service (Petitioner Millis)
2.	25-Jun-2024	FILED: Motion for to Exceed Word Count; Certificate of Service (Petitioner Millis)
3.	25-Jun-2024	FILED: [STRICKEN per ASC Order Dated 06/27/2024] Memorandum in Support of Special Action; Certificate of Compliance; Complaint in Special Action Index of Exhibit (Petitioner Millis)
4.	25-Jun-2024	FILED: Ruling (PCSC 5/1/2024); Ruling (PCSC 3/15/2024) (Petitioner Millis)

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5. 27-Jun-2024 On June 25, 2024, Petitioner Millis filed a Complaint in Special Action and a separate Memorandum in Support of Special Action. Petitioner also filed a Motion to Exceed Word Count requesting that the Court accept "[t]he Petition [that] contains 11,554 words."
- Pursuant to Ariz. R.P. Spec. Act. 7(e) "[t]he petition [for special action] shall consist of a single document. . . . A copy of the decision from which the petition is being taken shall be attached to the petition. All references to the record shall be supported by an appendix [that complies with ARCAP 13.1(c)] of documents in the record before the trial court that are necessary for a determination of the issues raised by the petition."
- Additionally, Ariz. R.P. Spec. Act. 7(e) requires that "[e]xcept by permission of the court, petitions and responses shall not exceed (i) 10,500 words if in proportionate typeface, or (ii) 30 pages if in monospace typeface, exclusive of the appendix and the copy of the decision from which the petition is being taken." See also ARCAP 4(b)(2); Ariz. R. Crim. P. 1.6(b), (c); 31.12; and 31.13; Ariz. R.P. Spec. Act. 7(b).
- Ariz. R.P. Spec. Act. 7(e) also requires, in part, that "The petition. . . must [] be accompanied by a certificate of compliance that states the petition's line spacing and states [] that [] the petition uses a proportionately spaced typeface, together with the typeface, point size, and word count."
- Petitioner's Complaint in Special Action and Memorandum in Support of Special Action fail to comply with Ariz. R.P. Spec. Act. 7(e). The combined word count of the two documents exceeds 15,000 words.
- Accordingly,
- IT IS ORDERED striking Petitioner's Complaint in Special Action and Memorandum in Support of Special Action.
- FURTHER IT IS FURTHER ORDERED that to the extent Petitioner's Motion to Exceed Word Count requests that the Court accept Petitioner's Complaint in Special Action and Memorandum in Support of Special Action it is denied without prejudice to Petitioner filing an appropriate Petition for Special Action that complies with the Rules.
- IT IS FURTHER ORDERED that any motion to exceed word count shall be filed as a procedural motion pursuant to ARCAP 6(b) and must provide good cause for the request.
- Finally, Petitioner's Complaint in Special Action "requests a Stay of Proceedings" in a single statement in the prayer for relief at the conclusion of the document, but Petitioner has not filed a motion for stay. Therefore,
- IT IS FURTHER ORDERED that if Petitioner wishes to request a stay of the superior court proceedings, he shall file, with his petition for special action, an appropriate motion for stay of proceedings. See Ariz. R.P. Spec. Act. 5, 8(d).
- IT IS FURTHER ORDERED that this matter is subject to dismissal of a compliant petition for special action is not filed by July 11, 2024. (Hon. James P. Beene)
6. 1-Jul-2024 FILED: Second Motion for Procedural Order Motion for to Exceed Word Count; Certificate of Service (Petitioner Millis)
7. 2-Jul-2024 A "Motion for Procedural Order Motion for to Exceed Word Count" (Petitioner Millis) having been filed on July 1, 2024, and the Clerk of the Court having been authorized by the Supreme Court to enter orders granting or denying requests for extended word count,
- IT IS ORDERED granting Petitioner's request to exceed the 10,500 word-count limitation stated in Rule 7(e), Arizona Rules of Special Action Procedure by 2,936 words, for a total of 13,436 words. (Tracie K. Lindeman, Clerk)
8. 5-Jul-2024 FILED: Petition for Special Action; Certificate of Service; Certificate of Compliance; Appendix (Petitioner Millis)
9. 5-Jul-2024 FILED: Motion to Stay Trial Pending Special Action; Certificate of Service; Order (PCSC) 6/17/24; (Copies of) PCSC Rulings (Petitioner Millis)
10. 9-Jul-2024 RECEIPT No.: 2024-00152 ; \$560.00, Authorization: 83378773636789408, Applied to: JEREMY DAVID MILLIS - Overpayment Class A (\$280.00), Class A Filing Fee (\$280.00) Paid for: JEREMY DAVID MILLIS - By nCourt LLC (Memo: Refund Needed)
11. 11-Jul-2024 FILED: Notice of Appearance; Certificate of Service (Real Party in Interest)
12. 12-Jul-2024 FILED: Response to Petition for Special Action; Certificate of Service; Certificate of Compliance (Real Party State)
13. 12-Jul-2024 FILED: Objection to Motion for Interlocutory Stay; Certificate of Service (Real Party State)