

**MINUTES**  
*Arizona Supreme Court*  
**Tuesday, October 25, 2011**

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No. 3567

**CV-11-0134-PR**                      **STATE/MONTGOMERY v HON. STEINLE/ISRAEL NARANJO**  
(1)                                      *Court of Appeals Division One*                                      *1 CA-SA 11-0109*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

**CV-11-0156-PR**                      **SUSAN BEJARANO v ROOSEVELT ELEMENTARY et al**  
(2)                                      *Court of Appeals Division One*                                      *1 CA-CV 10-0231*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Bejarano) = DENIED.

**CV-11-0167-PR**                      **TOHONO O'ODHAM NATION v CITY OF GLENDALE et al**  
(3)                                      *Court of Appeals Division One*                                      *1 CA-CV 10-0341*

ORDERED: Defendants/Appellees' Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Tohono O'Odham Nation) = GRANTED.

**CV-11-0170-PR**                      **SUE C HITSELBERGER v JOHN LOGAN SWEET**  
(4)                                      *Court of Appeals Division One*                                      *1 CA-CV 09-0325*

ORDERED: Petition for Review = DENIED.

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**CV-11-0204-PR**  
(5)

**CYPRESS ON SUNLAND HOMEOWNERS v JAMES ORLANDINI II**  
*Court of Appeals Division One*                      *1 CA-CV 10-0142*  
*1 CA-CV 10-0235*

ORDERED: Motion to Consolidate Petitions for Review = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Cypress on Sunland Homeowners Association) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Orlandini/First American Title Ins) = DENIED.

**CR-11-0089-PR**  
(6)

**STATE OF ARIZONA v JESSE GARCIA ROCHA**  
*Court of Appeals Division One*                      *1 CA-CR 09-0446*

ORDERED: Petition for Review = DENIED.

**CR-11-0103-PR**  
(7)

**STATE OF ARIZONA v MURRAY E GIBBS**  
*Court of Appeals Division One*                      *1 CA-CR 09-0579*

ORDERED: Petition for Review = DENIED.



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**CV-11-0160-PR**  
(11)

**JOHN LENDY v RESEARCH ENGINEERING DEVELOPMENT**  
*Court of Appeals Division One*                      *1 CA-CV 10-0479*

ORDERED: Appellants [sic] Petition for Review = DENIED.

FURTHER ORDERED: The Court declines to accept jurisdiction of the "Petition for Special Action for an Order to Publish the Court of Appeals Memorandum Decision in the Case of No. 1 CA-CV 10-0479, per Rule 28, Arizona Rules of Civil Appellate Procedure."

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Lendy, Pro Se) = DENIED.

**CV-11-0186-PR**  
(12)

**ERA C NUNEZ v PROFESSIONAL TRANSIT MANAGEMENT**  
*Court of Appeals Division Two*                      *2 CA-CV 10-0201*

ORDERED: Petition for Review = GRANTED as to issue 1 only.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Professional Transit/Zoellner) = DENIED.

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**CV-11-0192-PR**      **VILLA DE JARDINES ASSOC v FLAGSTAR BANK et al**  
(13)                      *Court of Appeals Division Two*                      *2 CA-CV 10-0177*

ORDERED: Motion to Review and Reverse Order Awarding Attorneys' Fees and Costs = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Villa de Jardines Association) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Flagstar Bank et al) = GRANTED.

**CR-11-0093-PR**      **STATE OF ARIZONA v RICHARD J GLASSEL**  
(14)                      *Court of Appeals Division One*                      *1 CA-CR 10-0373*

ORDERED: Petition for Review of an Opinion of the Court of Appeals = DENIED.

**CR-11-0139-PR**      **STATE OF ARIZONA v HUMBERTO MURILLO MUNOZ**  
(15)                      *Court of Appeals Division One*                      *1 CA-CR 10-0022*

ORDERED: Petition for Review by the Arizona Supreme Court = DENIED.

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**CR-11-0184-PR**  
(16)

**STATE OF ARIZONA v DAVID LEVY GREENBURG**  
*Court of Appeals Division One*                      *1 CA-CR 10-0683*

ORDERED: Petition for Review by the Supreme Court = DENIED.

**CV-11-0158-PR**  
(17)

**MICHAEL J PERRY et al v RANCHO DEL SOL LLC**  
*Court of Appeals Division One*                      *1 CA-CV 09-0737*

ORDERED: Petition for Review of the Memorandum Decision of the Court of Appeals = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Perry et al) = GRANTED.

**CV-11-0171-PR**  
(18)

**YUMA VALLEY LAND et al v CITY OF YUMA**  
*Court of Appeals Division One*                      *1 CA-CV 10-0121*

ORDERED: Petition for Review = DENIED.

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**CV-11-0175-PR**  
(19)

**AD GROUP v FIRST AMERICAN TITLE INSURANCE**  
*Court of Appeals Division One*                      *1 CA-CV 10-0565*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant AD Group Southern & Ellsworth LLC) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee First American Title) = GRANTED.

**CV-11-0182-PR**  
(20)

**CHRISTOPHER JOHNSON v HON. WASHINGTON/STATE**  
*Court of Appeals Division One*                      *1 CA-SA 10-0232*

ORDERED: Petition for Review = DENIED.

**CV-11-0193-PR**  
(21)

**IN RE: DEREK D.**  
*Court of Appeals Division One*                      *1 CA-JV 11-0011*

ORDERED: [Petition for Review] = DENIED.

**CR-11-0126-PR**  
(22)

**STATE OF ARIZONA v EDWARD TERRAZAS VILLA**  
*Court of Appeals Division Two*                      *2 CA-CR 09-0372*

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

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**CR-11-0173-PR**  
(23)

**STATE OF ARIZONA v RICHARD LIN GARRISON**  
*Court of Appeals Division Two*                      *2 CA-CR 10-0400 PRPC*

ORDERED: Petition for Review to the Arizona Supreme Court = DENIED.

**CR-11-0185-PR**  
(24)

**STATE OF ARIZONA v JESUS HUMBERTO SOTO**  
*Court of Appeals Division Two*                      *2 CA-CR 08-0405*

ORDERED: Petition for Review = DENIED.

**CV-11-0150-PR**  
(25)

**CITY OF TUCSON v STATE OF ARIZONA et al**  
*Court of Appeals Division Two*                      *2 CA-CV 10-0083*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: Intervenors' Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.



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**CV-11-0190-PR**  
(26)

**WINTERBOTTOM et al v HON. RONAN/R JOHN LEE et ux**  
*Court of Appeals Division One*                      *1 CA-SA 11-0101*  
*1 CA-SA 11-0105*

ORDERED: Real Parties in Interest Lee's Request for Instruction = DENIED.

FURTHER ORDERED: Confidential Sensitive Data Form = GRANTED only insofar as allowing the filing of a Redacted Petition for Review.

FURTHER ORDERED: Redacted Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Petitioners Winterbottom et al) = DENIED.

**CV-11-0176-PR**  
(27)

**LOFTUS v ASU PUBLIC SAFETY RETIREMENT BOARD**  
*Court of Appeals Division One*                      *1 CA-CV 10-0393*

ORDERED: Plaintiff/Appellant's Petition for Review = DENIED.

**CV-11-0183-PR**  
(28)

**WILLIAM SMITH/W INC v KRISHA PINNAMANENI/PIONEER**  
*Court of Appeals Division One*                      *1 CA-CV 10-0329*

ORDERED: Appellant's Petition for Supreme Court Review = DENIED.

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**CV-11-0191-PR**  
(29)

**TROILO FAMILY LIMITED et al v 4D MEDIA et al**  
*Court of Appeals Division One*                      *1 CA-CV 10-0713*

ORDERED: Petition for Review by Arizona Supreme Court = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Troilo Family) = GRANTED.

**CV-11-0207-PR**  
(30)

**ROBERT GEORGE DEAN et ux v FOREMOST AFFILIATED**  
*Court of Appeals Division One*                      *1 CA-CV 10-0158*

ORDERED: Appellants' Petition to Supreme Court for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Dean) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Foremost Affiliated et al) = GRANTED.

**CV-11-0215-PR**  
(31)

**BEUS GILBERT PLLC v GEORGE ROBERT PETTIT et ux**  
*Court of Appeals Division One*                      *1 CA-CV 10-0650*

ORDERED: Petition for Review = DENIED.

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**CV-11-0224-PR**  
(32)

**WB THE BUILDING COMPANY v EL DESTINO et al**  
*Court of Appeals Division One*                      *1 CA-CV 10-0077*

ORDERED: Petition for Review = DENIED.

**CR-11-0075-PR**  
(33)

**STATE OF ARIZONA v SAMEH BASTA**  
*Court of Appeals Division One*                      *1 CA-CR 08-0083*

ORDERED: Petition for Review by Arizona Supreme Court = DENIED.

**CR-11-0150-PR**  
(34)

**STATE OF ARIZONA v ROBERT STANLEY ORTLOFF**  
*Court of Appeals Division One*                      *1 CA-CR 08-0508*

ORDERED: Petition for Review = DENIED.

**CR-11-0194-PR**  
(35)

**STATE OF ARIZONA v DAVID EDWARD DRAKE**  
*Court of Appeals Division Two*                      *2 CA-CR 10-0254*

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

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**CV-11-0119-PR**  
(36)

**TERILE WILLIAMS v HON. EIKLEBERRY/STATE**  
*Court of Appeals Division Two*                      *2 CA-SA 11-0017*

ORDERED: Petition for Review of Denial of the Petition for Review Filed with Court of Appeals (Division Two) = DENIED.

**CV-11-0177-PR**  
(37)

**US BANK v RUSSELL DEVAN**  
*Court of Appeals Division One*                      *1 CA-CV 10-0434*

ORDERED: Defendant/Appellant/Petitioner's Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee U.S. Bank) = DENIED.

**CV-11-0179-PR**  
(38)

**BRENDA SLAUGHTER et vir v MARICOPA COUNTY/STATE**  
*Court of Appeals Division One*                      *1 CA-CV 10-0146*

ORDERED: Petition for Review = DENIED.

**CV-11-0185-PR**  
(39)

**KENNETH R MCCLISH v HON. JOHN LEONARDO/STATE**  
*Court of Appeals Division Two*                      *2 CA-SA 11-0032*

ORDERED: Request for Oral Argument = DENIED.

FURTHER ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

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**CR-11-0183-PR**      **STATE OF ARIZONA v CHRISTOPHER RYAN JOHNSON**  
(40)                      *Court of Appeals Division One*                      *1 CA-CR 10-0745*

ORDERED: Petition for Review = DENIED.

**CV-11-0140-PR**      **MICHAEL McINTOSH v ACHEN-GARDNER ENGINEERING**  
(41)                      *Court of Appeals Division One*                      *1 CA-CV 10-0485*

ORDERED: Petition for Review = DENIED.

Chief Justice Berch did not participate in the determination of this matter.

**CV-11-0197-PR**      **STEVEN J WHITECLOUD v HON. BURKE/VEDERMAN**  
(42)                      *Court of Appeals Division One*                      *1 CA-SA 11-0110*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

**CR-11-0156-PR**      **STATE OF ARIZONA v LARRY EDWARD DOBSON**  
(43)                      *Court of Appeals Division One*                      *1 CA-CR 09-0814 PRPC*

ORDERED: Petition for Review by the Arizona Supreme Court = DENIED.

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**CR-11-0180-PR**  
(44)

**STATE OF ARIZONA v NELSON IVAN BOTEQ-FLORES**  
*Court of Appeals Division Two*                      *2 CA-CR 10-0106*

ORDERED: Petition for Review by the Arizona Supreme Court = CONTINUED.

**CV-11-0127-PR**  
(45)

**LETICIA CARNES et al v PHOENIX NEWSPAPERS INC**  
*Court of Appeals Division One*                      *1 CA-CV 09-0365*

ORDERED: Motion and Stipulation to Consolidate Petitions for Review = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

Chief Justice Berch did not participate in the determination of this matter.

**CV-11-0159-PR**  
(46)

**IN RE MH2010-000886**  
*Court of Appeals Division One*                      *1 CA-MH 10-0047*

ORDERED: Petition for Review by the Arizona Supreme Court = DENIED.

**CV-11-0225-PR**  
(47)

**LENNAR CORP v TRANSAMERICA INS et al**  
*Court of Appeals Division One*                      *1 CA-CV 10-0141*

ORDERED: Petition for Review = DENIED.

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**CV-11-0232-PR**                    **WILLIAM CARTER DIEHL v HON. M CRUZ/STATE OF AZ**  
(48)                                    *Court of Appeals Division One*                                    *1 CA-SA 11-0153*

ORDERED: Petition for Review by Supreme Court Pursuant to Rule 8(b) of Rules of Special Action = DENIED.

**CV-11-0237-PR**                    **ALLEN/CAROLYN RODGERS v ANTHEM COMMUNITY COUNCIL**  
(49)                                    *Court of Appeals Division One*                                    *1 CA-CV 10-0539*

ORDERED: Petition For Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Anthem Community Council) = DENIED.

FURTHER ORDERED: Request for Costs (Appellants Rogers) = DENIED.

**CV-11-0249-PR**                    **NORMA E. v DAVID K./WENDY K./MEGAN K.**  
(50)                                    *Court of Appeals Division One*                                    *1 CA-JV 11-0049*

ORDERED: Petition for Review by the Supreme Court = DENIED.

**CR-11-0064-PR**                    **STATE OF ARIZONA v RAUL HERRERA III**  
(51)                                    *Court of Appeals Division Two*                                    *2 CA-CR 08-0273*

ORDERED: Petition for Review = CONTINUED.

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**CR-11-0076-PR**  
(52)

**STATE OF ARIZONA v MICHELLE D SPRANG**  
*Court of Appeals Division Two*                      2 CA-CR 09-0172

ORDERED: The State of Arizona's Petition for Review = DENIED.

FURTHER ORDERED: Cross-Petition for Review = DENIED.

Vice Chief Hurwitz voted to grant review of the Cross-Petition for Review.

**CV-11-0115-PR**  
(53)

**JOHN F HOGAN v WASHINGTON MUTUAL BANK et al**  
*Court of Appeals Division One*                      1 CA-CV 10-0385

ORDERED: Petition for Review = CONTINUED.

**CV-11-0132-PR**  
(54)

**JOHN HOGAN v WASHINGTON MUTUAL BANK et al**  
*Court of Appeals Division One*                      1 CA-CV 10-0383

ORDERED: Petition for Review = CONTINUED.