Court of Appeals, Division One

Civil Appeal

1 CA-CV 21-0295 SAN CARLOS v. STATE, et al.

Appellate Case Information

Case Filed: 26-May-2021

Case Closed:

Dept/Composition

Department B

Hon. Paul J McMurdie
Hon. David B Gass
Hon. Angela K Paton

Side 1. SAN CARLOS APACHE TRIBE, Appellant

(Litigant Group) SAN CARLOS APACHE TRIBE

- **San Carlos Apache Tribe**

Attorneys for: Appellant

Alexander Bennett Ritchie, Esq. (AZ Bar No. 19579)

Justine R Jimmie, Esq. (AZ Bar No. 19148)

Side 2. STATE OF ARIZONA, et al., Appellee

(Litigant Group) ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

- **Arizona Department of Environmental Quality**

Attorneys for: Appellee

Jeffrey D Cantrell, Esq. (AZ Bar No. 17957)

(Litigant Group) ARIZONA WATER QUALITY APPEALS BOARD

- **Arizona Water Quality Appeals Board**

Attorneys for: Appellee

Dena Rosen Benjamin, Esq. (AZ Bar No. 15421)

James Howard Rolstead, Esq. (AZ Bar No. 25723)

Side 3. RESOLUTION COPPER MINING, LLC, Intervenor/Appellee

(Litigant Group) RESOLUTION COPPER MINING, LLC

- **Resolution Copper Mining LLC**

Attorneys for: Intervenor/Appellee

Christopher D Thomas, Esq. (AZ Bar No. 10482)

Matthew Luis Rojas, Esq. (AZ Bar No. 25030)

Andrea Jeanne Driggs, Esq. (AZ Bar No. 23633)

Karl J Worsham, Esq. (AZ Bar No. 35713)

CASE STATUS

Apr 26, 2022....Under Advisement

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	LC2019-000264-001			Sigmund G Popko, Authoring Judge of Order		

2 CALENDARS

Tuesday	MONTHLY COURT CASE CALENDAR		*CV Cases*
26-Apr-2022	**Department B; COURTROOM 2**		
	9:30 AM	SAN CARLOS APACHE TRIBE	20 mins.
		ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY	20 mins.
		ARIZONA WATER QUALITY APPEALS BOARD	(none)
		RESOLUTION COPPER MINING, LLC	(none)
Tuesday	MONTHLY COURT CASE CALENDAR (SACAL)		*SA Cases*
17-May-2022	**Department A; CONFERENCE ROOM**		

42 PROCEEDING ENTRIES

1.	26-May-2021	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/26/21
2.	26-May-2021	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3.	26-May-2021	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4.	9-Jun-2021	FILED: Notice of Payment of Filing Fee; Certification (Certificate of Service) (Appellant)

Information presented in this document may not reflect all case activity and is subject to change without notice.

42 PROCEEDING ENTRIES

5.	15-Jun-2021	RECEIPT No.: 2021-00622 ; $280.00, Authorization: #6503739903, Applied to: SAN CARLOS APACHE TRIBE - Class A Filing Fee ($280.00) Paid for: San Carlos Apache Tribe Office of Attorney General - By nCourt LLC
6.	15-Jun-2021	FILED: Case Management Statement; Copy of MAR County ME filed 03/26/2021 re: Administrative Decision Affirmed (Appellant)
7.	29-Jun-2021	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
8.	21-Jul-2021	FILED: Motion for a Procedural Order for an Extension of Time to File Opening Brief; Certification—Motion for a Procedural Order for an Extension of Time to File Opening Brief; Declaration of Alexander B. Ritchie in Support of a Motion for Procedural Order for an Extension of Time to File Opening Brief (Appellant)
9.	22-Jul-2021	ORDERED: Motion for a Procedural Order for an Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-26-2021 to Monday, 08-16-2021. If brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
10.	16-Aug-2021	FILED: Appellant San Carlos Apache Tribes's [sic] Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
11.	16-Sep-2021	FILED: Unopposed Motion for Procedural Order to Extend Time to File Answering Brief; Certification (of Service) (Appellee ADEQ)
12.	17-Sep-2021	ORDERED: Unopposed Motion for Procedural Order to Extend Time to File Answering Briefs (Appellee ADEQ) = GRANTED. Due dates EXTENDED from Monday, 09-27-2021 to Monday, 10-18-2021. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
13.	11-Oct-2021	FILED: Notice of Substitution of Counsel Within Same Firm; Certificate of Service (Appellee Resolution Copper Mining)
14.	13-Oct-2021	FILED: Notice Regarding Arizona Water Quality Appeals Board's Nonparticipation in this Appeal Pursuant to A.R.S § 49-322(C); Certificate of Service (Appellee Arizona Water Quality Appeals Board)
15.	15-Oct-2021	RECEIPT No.: 2021-01129 ; $140.00, Authorization: #87026779718, Applied to: RESOLUTION COPPER MINING, LLC - Class B Filing Fee ($140.00) Paid for: Sharon Neilson - By nCourt LLC
16.	18-Oct-2021	FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellee Arizona Department of Environmental Quality)
17.	18-Oct-2021	FILED: Answering Brief of Appellee Resolution Copper Mining, LCC [sic]; Certificate of Compliance; Certificate of Service (Appellee Resolution Copper Mining)
18.	29-Oct-2021	FILED: Motion for a Procedural Order for an Extension of Time to File Reply Brief; Certificate of Service (Appellant)
19.	1-Nov-2021	ORDERED: Motion for a Procedural Order for an Extension of Time to File Reply Briefs (Appellant) = GRANTED. Due dates EXTENDED from Monday, 11-08-2021 to Wednesday, 12-08-2021. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
20.	8-Dec-2021	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
21.	4-Jan-2022	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
22.	14-Jan-2022	FILED: Supplemented Superior Court e-Record with Revised Index of Record
23.	26-Jan-2022	CLNDR: CONFERENCE, Department B, 3-22-22, COURTROOM 2.
24.	27-Jan-2022	ORDERED: Setting matter for oral argument for Tuesday, 03/22/2022 at 11:00 a.m. before Department B in Courtroom 2. Each side is allocated twenty minutes within which to present oral argument. Hon Paul J McMurdie - Author
25.	31-Jan-2022	FILED: Notice of Oral Argument
26.	31-Jan-2022	FILED: Return Receipt for Notice of Oral Argument, signed by Jeffrey D. Cantrell on 01/27/2022 (Appellee ADEQ)
27.	31-Jan-2022	FILED: Motion to Withdraw Counsel with Client Consent; Certificate of Service (Appellee ADEQ)
28.	7-Feb-2022	FILED: Return Receipt for Notice of Oral Argument, signed by Alexander B. Ritchie on 01/31/2022 (Appellant)
29.	7-Feb-2022	ORDERED: Motion to Withdraw Counsel with Client Consent (Appellee ADEQ) = GRANTED. Hon Paul J McMurdie - Author
30.	7-Feb-2022	FILED: Return Receipt for Notice of Oral Argument, signed by Christopher D Thomas on 01/31/2022 (Intervenor/Appellee)
31.	14-Mar-2022	ORDERED: Appellants and appellees shall file simultaneous supplemental briefs in court on or before Friday, 04/01/2022, addressing issues stated above. Supplemental briefs shall not exceed 7,500 words, and need not include table of contents, table of citations, etc., see ARCAP 3(a). Inclusion of an "argument" and "conclusion" is sufficient, see ARCAP 13(a). FURTHER ORDERED: Vacating oral argument in this matter for Tuesday, 03/22/2022 and resetting it to Tuesday, 04/26/2022 at 9:30 AM. Hon Paul J McMurdie - Author

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42 PROCEEDING ENTRIES

32.	14-Mar-2022	AMENDED ORDER: Appellants and appellees shall file simultaneous supplemental briefs in court on or before Friday, 04/01/2022, addressing issues stated above. Supplemental briefs shall not exceed 7,500 words, and need not include table of contents, table of citations, etc., see ARCAP 3(a). Inclusion of an "argument" and "conclusion" is sufficient, see ARCAP 13(a). FURTHER ORDERED: Vacating oral argument in this matter for Tuesday, 03/22/2022 and resetting it to Tuesday, 04/26/2022 at 9:30 AM. Hon Paul J McMurdie - Author
33.	21-Mar-2022	FILED: Notice of Appearance; Certificate of Service (Appellee Resolution Copper Mining, LLC)
34.	22-Mar-2022	FILED: Return Receipt for Notice of Oral Argument, signed by Jeffrey D Cantrell on 03/14/2022 (Appellee Arizona Department of Environmental Quality)
35.	22-Mar-2022	FILED: Return Receipt for Notice of Oral Argument, signed by Alexander B Ritchie on 03/14/2022 (Appellant)
36.	23-Mar-2022	FILED: Return Receipt for Notice of Oral Argument, signed by Christopher D Thomas on 03/14/2022 (Appellee Resolution Copper Mining LLC)
37.	1-Apr-2022	FILED: Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellee Arizona Department of Environmental Quality)
38.	1-Apr-2022	FILED: Appellant's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellant)
39.	1-Apr-2022	FILED: Supplemental Brief of Appellee Resolution Copper Mining, LLC Regarding A.R.S. § 12-910; Certificate of Compliance; Certificate of Service (Appellee Resolution Copper Mining, LLC)
40.	27-Apr-2022	ORDERED: Vacating conference in above referenced case currently scheduled for 04/26/2022. FURTHER ORDERED: Resetting conference in this matter to Tuesday, 05/03/2022. Hon Paul J McMurdie - Author
41.	27-Apr-2022	ORDERED: Amending 04/27/2022 order by deleting date 05/03/2022 and replacing it with 05/17/2022. Hon Paul J McMurdie - Author
42.	27-Apr-2022	FILED: Sign-in Sheet/Case is Under Advisement as of 04/26/2022

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