

IN THE
COURT OF APPEALS
 STATE OF ARIZONA
 DIVISION ONE



DIVISION ONE
 FILED: 04/13/2022
 AMY M. WOOD,
 CLERK
 BY: KLE

R. L. WHITMER,)
) Court of Appeals
) Division One
 Plaintiff/Appellant,) No. 1 CA-CV 22-0202
)
 v.) Maricopa County
) Superior Court
 HILTON CASITAS HOMEOWNERS) No. CV2021-050888
 ASSOCIATION,)
)
 Defendant/Appellee.)
 _____)

CLERK OF THE SUPERIOR COURT
 FILED
 APR 13 2022 *CI:45m*
 D. Bahe, Deputy

ORDER STAYING APPEAL

The court has reviewed the record pursuant to its duty to determine whether it has jurisdiction over this appeal. See *Sorensen v. Farmers Ins. Co.*, 191 Ariz. 464, 465 (App. 1997).

On October 5, 2021, the superior court entered a judgment on in favor of appellee that awarded appellee attorneys' fees and costs. Appellant filed an Arizona Rule of Civil Procedure (Rule) 59 motion. In an unsigned minute entry filed January 21, 2022, the court denied the motion. Appellee filed a supplemental application for attorneys' fees and costs and appellant filed a notice of appeal.

The minute entry ruling on the Rule 59 motion is not final because it is not signed. Ariz. R. Civ. P. 58(b). In addition, attorneys' fees and costs issues remain pending. Therefore,

IT IS ORDERED, pursuant to Arizona Rule of Civil Appellate Procedure 3(b), staying this appeal until May 31, 2022.

IT IS FURTHER ORDERED re-vesting jurisdiction in the Maricopa County Superior Court and authorizing that court to consider a motion by appellant for a signed order corresponding to the January 21, 2022 minute entry ruling on the Rule 59 motion and to resolve the pending attorneys' fees and costs issues. This court does not express an opinion on the merits of the motion or the pending issues.

IT IS FURTHER ORDERED directing the clerk of the Maricopa County Superior Court to transmit a certified copy of the rulings within 10 days after entry, marked for filing in this appeal. The stay will be lifted automatically when this court receives the rulings.

IT IS FURTHER ORDERED that appellant must file a timely notice of appeal in superior court from the order resolving the attorneys' fees and costs issues.

IT IS FURTHER ORDERED that if appellant wants this court to review the ruling on the Rule 59 motion, appellant must file a timely amended notice of appeal from the signed order.

IT IS FURTHER ORDERED that if the superior court has not entered a signed order or resolved the pending issues by May 31, 2022, appellant must file a motion to continue the stay of this appeal that describes the status of the matter. If a motion to continue the stay is not timely filed and the superior court has not entered a signed order and resolved the attorneys' fees and costs issues, this court will dismiss this appeal.

IT IS FURTHER ORDERED that if this court has received the rulings before May 31, 2022, the case management statement is due on June 10, 2022, and the opening brief is due on June 30, 2022.

IT IS FURTHER ORDERED directing the clerk of this court to send this order to the Honorable Sara J. Agne and the Clerk of the Maricopa County Superior Court.

_____/s/_____
Melina Brill, Judge Pro Tempore

A copy of the foregoing
was sent to:

R L Whitmer
Edith I Rudder
Timothy D Butterfield
Hon Sara J Agne
Jeff Fine