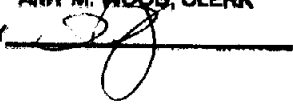


IN THE  
**Court of Appeals**  
STATE OF ARIZONA  
DIVISION ONE

OCT 06 2017

AMY M. WOOD, CLERK

BY



**CASE MANAGEMENT STATEMENT**

R. L. WHITMER

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v.

HILTON CASITAS HOMEOWNERS ASSOCIATION, also known as HILTON CASITAS  
COUNCIL OF HOMEOWNERS, also known as COUNCIL OF CO-OWNERS, also  
known as HILTON CASITAS COUNCIL OF CO-OWNERS; and MICHAEL BENGSON,  
President of the named Respondent

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1 CA-CV 17-0543

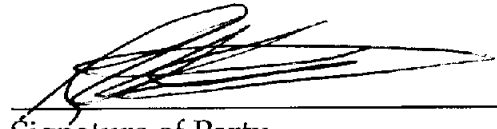
Maricopa County Superior Court

Superior Court case number: CV2016-055080

Judge Aimee L. Anderson

R. L. Whitmer

\_\_\_\_\_  
Name of Filing Party



\_\_\_\_\_  
Signature of Party  
October 6, 2017

1358016

## A. APPELLATE JURISDICTION

1. State the basis for appellate jurisdiction (*See* A.R.S. § 12-2101):

A.R.S. § 12-2101. 1. & A.R.S. § 12-2101.5(a)

2. State the date the superior court filed the judgment/order you are appealing and state whether the court signed the ruling.

Judgment entered July 24, 2017, and the Judgment entered May 16, 2017,

Order of Dismissal entered March 21, 2017; Both judgments signed

3. Provide the date each notice of appeal or cross-appeal was filed and identify the filing party.

8/18/2017; R. L. Whitmer

4. If the time for appeal was extended by one of the motions identified in Arizona Rule of Civil Appellate Procedure 9(e)(1), identify the motion, the date it was filed, the date the superior court filed its ruling on the motion, and state whether the ruling was signed.

Rule 59 motion; filed 5/22/2017

July 24, 2017; signed

5. If any motions are currently pending in superior court, identify the name of each motion and the date it was filed.

None

6. Is the judgment/order appealed from certified as final pursuant to Arizona Rule of Civil Procedure 54(c)?

Yes

7. If any claims remain pending in the superior court, including claims for attorneys' fees, was the judgment/order made appealable pursuant to Arizona Rule of Civil Procedure 54(b) or Arizona Rule of Family Law Procedure 78(B)?

None

## B. CASE INFORMATION

1. List all parties to the superior court action.

R. L. Whitmer, (Petitioner)

Hilton Casitas Homeowners Association, and Michael Bengson its president.  
(Respondents)

2. List any party in superior court that is not a party to this appeal and explain in detail why the party is not included in this appeal, e.g., the party was dismissed, not served, or other. Include specific relevant references to the record.
3. Describe briefly all claims (including counterclaims, cross-claims and third-party claims) asserted in the superior court and the manner each such claim was resolved in the superior court (i.e., bench trial, jury verdict, dismissal, summary judgment, or default judgment). Include specific relevant references to the record.

The case was dismissed based upon the Respondents' claim that the trial court lacked jurisdiction, and that the administrative tribunal was the proper venue for a contempt of court proceedings.

4. Identify the issues to be raised on appeal.

The trial court erred in dismissing the case for lack of jurisdiction and awarding legal fees and costs pursuant ARS § 12-349, 350, and Rule 11, without any of the four prerequisites required by ARS § 12-349.

5. If this case involves an assertion or allegation that a state statute, ordinance, franchise, or rule is unconstitutional on its face, or that a municipal ordinance or franchise is facially invalid, have you complied with A.R.S. § 12-1841?

Not Applicable.

## C. TRANSCRIPTS

1. State the date you complied with Arizona Rule of Civil Appellate Procedure 11(c)(1) and (2) by ordering the transcript(s) necessary for proper consideration of the issues on appeal.

Not Applicable. No transcripts are necessary because the issues are purely legal and based on the filings with the court.

Identify the certified court reporter or authorized transcriber responsible for preparing the transcript(s): \_\_\_\_\_

Provide the court reporter's estimated date of completion of the transcript(s):

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2. State the date you complied with Arizona Rule of Civil Appellate Procedure 11(c)(3) by filing a notice of transcript order and, if applicable, a statement of the issues.

Not Applicable.

#### **D. OTHER PENDING AND PRIOR PROCEEDINGS**

1. If any party to this appeal is the subject of a pending petition in bankruptcy court, identify the court and provide the case name and number.

Not Applicable.

2. Provide the case name and number of any other appeal, special action, or petition for review filed from the same, or a consolidated, superior court action.

Not Applicable.

3. Provide the case name and number of any other appeal(s) pending in the Court of Appeals that involve the same parties, events, or transactions giving rise to this appeal.

Not Applicable.

4. Provide the case name and number of any known pending appeals in the Court of Appeals that raise the same or closely related issues.

Not Applicable.

#### **E. CONTACT INFORMATION**

1. Filing Party

This Case Management Statement is filed by or on behalf of:

Name of Party: R. L. Whitmer

Counsel: Pro per

Address: 6333 N. Scottsdale Road, Casita 21, Scottsdale, AZ 85250

Email address: rlwnaz@gmail.com

Telephone: 602-531-2615

Check one:  Appellant  Cross-Appellant  Appellee

For a joint statement by multiple appellants, provide contact information for additional appellants on a separate sheet accompanied by certification that they concur in the contents of this statement.

2. Opposing Party

Name of Party: Hilton Casitas Homeowners Association.

Counsel for Opposing Party: A. Shaw and N. Payne, Shaw & Lines L.L.C.

Address: 4523 E. Broadway Rd., Phoenix, Arizona 85040

Email address: ashaw@shawlines.com

Telephone: 480-456-1500

(List additional counsel/parties on separate sheet if necessary)

**CERTIFICATION OF SERVICE**

I certify that on the 6th day of October 2017, I served copies of the above Case Management Statement on all counsel/parties of record by depositing a true copy thereof in the United States mail addressed as follows:

Name: R. L. Whitmer

Address: 6333 N. Scottsdale Road, Casita 21, Scottsdale, AZ 85250

Hilton Casitas Homeowners Association.

A. Shaw and N. Payne, Shaw & Lines L.L.C.

4523 E. Broadway Rd., Phoenix, Arizona 85040

A handwritten signature in black ink, appearing to read 'R. L. Whitmer', is written over a horizontal line. The signature is fluid and cursive.

Signature