



DIVISION ONE  
FILED: 09/30/2020  
AMY M. WOOD,  
CLERK  
BY: DN



## Court of Appeals

AMY M. WOOD  
CLERK OF THE COURT

STATE OF ARIZONA  
DIVISION ONE  
STATE COURTS BUILDING  
1501 WEST WASHINGTON STREET  
PHOENIX, ARIZONA 85007

Phone: (602) 452-6700

Fax: (602) 452-3226

September 30, 2020

Annell Hounshell, Clerk  
Apache County Superior Court  
Apache County Courthouse  
P O Box 365  
St Johns AZ 85936

Dear Ms. Hounshell:

RE: 1 CA-SA 20-0186

HOPI v. HON BRAIN et al.  
Apache County Superior Court  
CV6417-203

A decision was filed in the above referenced matter on August 26, 2020. The time for the filing of a motion for reconsideration has expired and no motion was filed. The time for the filing of a petition for review has expired and no such petition was filed. Accordingly, enclosing the following:

Copy of ORDER accepting jurisdiction and denying relief  
(certified copy)

There are no physical record items to be returned to your Court.

AMY M. WOOD, CLERK

By \_\_\_\_\_ dtn \_\_\_\_\_  
Deputy Clerk

A copy of the foregoing  
was sent to:

Colin F Campbell  
Geoffrey M T Sturr  
Grace E Rebling  
Eric M Fraser

Phillip W Londen  
Payslie M. Bowman  
Carrie Jane Brennan  
David F Jacobs  
Kevin Crestin  
Alexandra R Arboleda  
Lee A Storey  
Ethan B Minkin  
Sara V Ransom  
David Albert Brown  
Lauren J Caster  
Brian Joseph Heiserman  
Bradley J Pew  
Judith M Dworkin  
M Kathryn Hoover  
Jeffrey S Leonard  
Evan Hiller  
Joe Wiley Keene  
Mark A McGinnis  
John B Weldon Jr  
Michael Kenyon Foy  
Rebecca Michelle Ross  
Vanessa Boyd Willard  
Cody McBride  
Andrew Guss Guarino  
Emmi Blades  
Hon Mark H Brain  
Timothy J Berg

IN THE  
COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE



DIVISION ONE  
FILED: 8/26/20  
AMY M. WOOD,  
CLERK  
BY: RB

THE HOPI TRIBE, )  
 ) Court of Appeals  
 ) Division One  
 )  
 ) Petitioner, ) No. 1 CA-SA 20-0186  
 )  
 )  
 ) v. ) Apache County  
 ) Superior Court  
 )  
 ) THE HONORABLE MARK BRAIN, Judge ) No. CV6417-203  
 )  
 ) of the SUPERIOR COURT OF THE )  
 ) STATE OF ARIZONA, in and for the )  
 ) County of MARICOPA, )  
 )  
 ) Respondent Judge, )  
 )  
 ) ARIZONA STATE LAND DEPARTMENT; )  
 ) CITY OF FLAGSTAFF; LCR )  
 ) COALITION; NAVAJO NATION; SALT )  
 ) RIVER PROJECT AGRICULTURAL )  
 ) IMPROVEMENT AND POWER DISTRICT; )  
 ) UNITED STATES, )  
 )  
 ) Real Parties in Interest. )  
 )

**ORDER ACCEPTING JURISDICTION; DENYING RELIEF AND DENYING REQUEST FOR STAY**

This court, Presiding Judge D. Steven Williams, Judge David D. Weinzwieg and Judge Jennifer M. Perkins participating, has considered the petition for special action and the motion for stay. A telephonic stay hearing was held on August 26, 2020 with Colin F. Campbell, representing Petitioner; Carrie J. Brennan, representing Real Party in Interest Arizona State Land Department; Sara V. Ransom, representing Real Party in Interest City of Flagstaff; Timothy J. Berg, representing Real Party in Interest Little Colorado River Coalition; Jeffrey S. Leonard, representing Real

Party in Interest Navajo Nation; Mark A. McGinnis, representing Real Party in Interest Salt River Project Agricultural Improvement & Power District and Rebecca M. Ross, representing the United States. After consideration,

**IT IS ORDERED**, because Petitioner seeks to challenge an order from which they have no equally plain, speedy or adequate remedy on appeal, in the exercise of its discretion, the court accepts jurisdiction of the special action.

**IT IS FURTHER ORDERED**, after considering Arizona Supreme Court Administrative Order No. 2020-114 issued July 15, 2020, which replaced Administrative Order No. 2020-79, and seeing no abuse of discretion in Special Master Susan Harris' order issued June 30, 2020 and filed July 2, 2020, nor in Judge Mark W. Brain's order issued August 20, 2020, the court denies the relief requested.

**IT IS FURTHER ORDERED** denying Petitioner's motion to stay as moot.

**IT IS FURTHER ORDERED** vacating this court's previous order in its entirety including the obligation requiring the filing and service of a response to the petition.

\_\_\_\_\_/s/\_\_\_\_\_  
D. Steven Williams, Presiding Judge

The foregoing instrument is a full, true and correct  
copy of the original on file in this office.

ATTEST 09/30/2020

AMY M. WOOD, CLERK OF THE COURT  
of Division One Court of Appeals,  
State of Arizona

BY DN

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