

No. \_\_\_\_\_

(Booklet A - APPENDIX "A" pg. 1-8.)

IN THE  
SUPREME COURT OF THE UNITED STATES

EBONE LEONY EAST, et al. — PETITIONER  
(Your Name)

vs.

Fix It Auto Repair, Inc. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO  
THE SUPREME COURT OF THE UNITED STATES.

IN THE UNITED STATES DISTRICT COURT, ARIZONA  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

EBONE LEONY EAST  
(Your Name)

875 S. ESTRELLA PARKWAY # 6472  
(Address)

Goodyear, AZ. 85338  
(City, State, Zip Code)

(602) 358-5790  
(Phone Number)

## Index of Appendices A – D.

Petitioner is asking the Court to review a decision of a state court, the decision of which review is sought is designated Appendix A.

## Appendix A.

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 22-0443**

**EAST, et al. v. FIT IT AUTO**

**Appellate Case Information**

Case Filed: 18-Jul-2022  
Case Closed:

**Dept/Composition**

**Department D**

Hon. Paul J McMurtrie  
Hon. Michael J Brown  
Hon. Michael S Catlett

**Side 1. EBONE EAST, et al., Plaintiff/Appellant**

**(Litigant Group) EBONE EAST, et al.**

- Ebone L East PRO SE
- Cathy Munoz PRO SE

**Side 2. FIT IT AUTO REPAIR, INC., Defendant/Appellee**

**(Litigant Group) FIT IT AUTO REPAIR, INC.**

- Fit It Auto Repair Inc Attorneys for: Defendant/Appellee  
Chelsey M Golightly, Esq. (AZ Bar No. 28431)  
Justin M Ackerman, Esq. (AZ Bar No. 30726)  
Elizabeth B N Garcia, Esq. (AZ Bar No. 32209)

**C A S E S T A T U S**

May 10, 2023....Pending Closure

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2021-014595	Property Damage		Timothy J Thomason, Authoring Judge of Order		

**DESCENDENT CASE(S)**

ASC CV-23-0037-PR

**O P E N D U E D A T E**

**Stay Request (re: Writ of Certiorari) due**

**Due By:** Thursday, May 25, 2023

Re: FILED: Letter from ASC, 5/10/23, re: Petition for Review DENIED on 5/10/23

**2 C A S E D E C I S I O N S**

**30-Sep-2022 ORDER**



\*\*\*Vacated\*\*\*  
ORDERED: Dismissing this appeal.

Melina Brill.....Author

Filed: 30-Sep-2022 Mandate:  
Decision Disposition  
Dismissed

**08-Feb-2023 ORDER**

ORDERED: Dismissing this appeal. FURTHER ORDERED:  
Vacating conference scheduled on 03/01/2023.

Paul McMurdie.....Author

Filed: 08-Feb-2023 Mandate:  
Decision Disposition  
Dismissed

**43 P R O C E E D I N G E N T R I E S**

1. 18-Jul-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/15/22
2. 18-Jul-2022 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits: None
3. 19-Jul-2022 FILED: Appellate Clerk Notice re: Continuing Deferral of Fees for Ebone East and Cathy Munoz, Appellants
4. 19-Jul-2022 FILED: Appellate Clerk Notice re: Appellant's Fee Deferred/Appellee's Fee Due/Case Management Statement/Brief Due

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 22-0443**

**EAST, et al. v. FIT IT AUTO**

**43 PROCEEDING ENTRIES**

5. 4-Aug-2022 FILED: (Untitled) Appendices to Case Management Statement (Volumes 1-8) (filed in paper, in a box) (Appellant Pro Per)
6. 4-Aug-2022 FILED: Case Management Statement (Appellant Pro Per)
7. 28-Sep-2022 FILED: Plaintiff/Appellant Ebone Leroy East, et al. Opening Brief (Appellant Pro Per)
8. 30-Sep-2022 ORDERED: Dismissing this appeal. Melina Brill ProTem Judge - Author
9. 30-Sep-2022 FILED: Motion for Extension of Time to File Brief (Opening) (Appellant Pro Per)
10. 3-Oct-2022 ORDERED: Vacating 09/30/2022 order dismissing appeal. FURTHER ORDERED: Answering brief due 11/14/2022. Melina Brill ProTem Judge - Author
11. 4-Oct-2022 ORDERED: Motion for Extension of Time to File Brief (Opening) (Appellant Pro Per) = DENIED as unnecessary. Melina Brill ProTem Judge - Author
12. 5-Oct-2022 FILED: Stipulation to Extend, Motion for Extension of Time to File Brief Incorporated in Reference to Appellants Motion for Extension of Time to File Brief Filed September 30,2022 (Appellant Pro Per)
13. 7-Oct-2022 ORDERED: Stipulation to Extend, Motion for Extension of Time to File Brief Incorporated in Reference to Appellants Motion for Extension of Time to File Brief Filed September 30,2022 (Appellant Pro Per) = DENIED as unnecessary. Appellee is reminded answering brief due 11/14/2022. Melina Brill ProTem Judge - Author
14. 4-Nov-2022 FILED: Defendant/Appellee's Motion for Procedural Order Extending Time to File Answering Brief; Certificate of Service (Appellee)
15. 4-Nov-2022 FILED: Notice of Appearance and Substitution of Counsel; Certificate of Service (Appellee)
16. 4-Nov-2022 FILED: Appellants Objection to any Time Extension for More Time for Appellees to File Their Answering Brief, Beyond November 14th, 2022 (Appellant Pro Per)
17. 7-Nov-2022 ORDERED: Defendant/Appellee's Motion for Procedural Order Extending Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from 11-14-2022 to 12-14-2022. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
18. 10-Nov-2022 RECEIPT No.: 2022-01161 ; \$140.00, Authorization: #14010626501, Applied to: FIT IT AUTO REPAIR, INC. - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By nCourt LLC
19. 14-Nov-2022 ORDERED: Affirming the court's 11/07/2022 order granting an extension of time to file the answering brief until 12/14/2022. Hon Kent E Cattani - Author
20. 14-Dec-2022 FILED: Defendant/Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
21. 14-Dec-2022 FILED: Plaintiff/Appellants Ebone Leroy East, et al. Reply to Appellees Answering Brief (Appellants Pro Per)
22. 15-Dec-2022 FILED: Plaintiff/Appellant Ebone Leroy East, et al. Amended Attachments incorporated in reference to Appellants Reply to Appellees Answering Brief (Appellants Pro Per)
23. 5-Jan-2023 ORDERED: (per Sorensen v. Farmers) staying appeal until 02/03/2023. Signed order with certification of finality pursuant to Rule 54(c) due within 10 days after its entry. FURTHER ORDERED: If superior court has not entered a signed Rule 54(c) order by 02/03/2023, appellants must file a motion to continue stay of this appeal that describes status of matter. If appellants do not file a motion to continue stay and superior court has not entered a signed Rule 54(c) order, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
24. 9-Jan-2023 FILED: Appellants [sic] At Issue Final Reply & Responses to Courts [sic] Order Staying Appeal (Appellant Pro Per)
25. 11-Jan-2023 ORDERED: Taking no action on the filing (Appellants [sic] At Issue Final Reply & Responses to Courts [sic] Order Staying Appeal). Melina Brill ProTem Judge - Author
26. 13-Jan-2023 FILED: Appellants Note to the Court Incorporated in Reference to Appellants at Issue Final Reply & Responses to Courts Order Staying Appeal (Appellant Pro Per)
27. 17-Jan-2023 FILED: Notice of Rule 54(c) Judgment; Certificate of Service (Appellee)
28. 17-Jan-2023 FILED: Appellants [sic] Second Note to the Court of the Process in Superior Court, Incorporated in Reference the First Note to the Court and to Appellants at Issue Final Reply & Responses to Courts Order Staying Appeal (Appellant Pro Per)
29. 17-Jan-2023 FILED: (Untitled) Set - 1 - Pages 128 (Appellant Pro Per)
30. 17-Jan-2023 FILED: (Untitled) Set - 2 - Pages 144 (Appellant Pro Per)
31. 17-Jan-2023 FILED: (Untitled) Set - 3 - Pages 119 (Appellant Pro Per)

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 22-0443**

**EAST, et al. v. FIT IT AUTO**

**43 PROCEEDING ENTRIES**

32. 19-Jan-2023 ORDERED: Denying the relief requested in the Note to Court. Melina Brill ProTem Judge - Author

33. 19-Jan-2023 FILED: Motion That Describes the Status of the Matter by Order of the Court of Appeals (Appellant Pro Per)

34. 23-Jan-2023 FILED: Notice of Joinder of Appeal (Appellant Pro Per)

35. 23-Jan-2023 ORDERED: Lifting The stay of this appeal. FURTHER ORDERED: Appellants [sic] Second Note to the Court of the Process in Superior Court, Incorporated in Reference the FirstNote to the Court and to Appellants at Issue Final Reply & Responses to Courts Order Staying Appeal (Appellant Pro Per) = DENIED. FURTHER ORDERED: Taking no action on the motion that describes the status. Melina Brill ProTem Judge - Author

36. 28-Jan-2023 CLNDR: CONFERENCE Department D, 3-123, COURTROOM 2.

37. 1-Feb-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record

38. 8-Feb-2023 ORDERED: Dismissing this appeal. FURTHER ORDERED: Vacating conference scheduled on 03/01/2023. Hon Paul J McMurdie - Author

39. 14-Feb-2023 FILED: Motion for Reconsideration (Appellants Pro Per)

40. 23-Feb-2023 ORDERED: Motion for Reconsideration (Appellants Pro Per) = DENIED. Hon Paul J McMurdie - Author

41. 24-Feb-2023 FILED: Email Notice from ASC re: Petition for Review filed 02/15/2023; request for partial record

42. 24-Feb-2023 FILED: Letter forwarding partial record to Arizona Supreme Court

43. 10-May-2023 FILED: Letter from ASC, 5/10/23, re: Petition for Review DENIED on 5/10/23



IN THE

## COURT OF APPEALS

STATE OF ARIZONA

DIVISION ONE

DIVISION ONE

FILED: 02/23/2023

AMY M. WOOD,

CLERK

BY: KLE

EBONE EAST, et al.,	)	Court of Appeals
	)	Division One
Plaintiffs/Appellants,	)	No. 1 CA-CV 22-0443
	)	
v.	)	Maricopa County
	)	Superior Court
FIT IT AUTO REPAIR, INC.,	)	No. CV2021-014595
	)	
Defendant/Appellee.	)	
	)	

**ORDER DENYING MOTION FOR RECONSIDERATION**

The court, Presiding Judge Paul J. McMurdie, and Judges Michael J. Brown and Michael S. Catlett participating, has received appellants' motion for reconsideration. After review,

**IT IS ORDERED** denying appellants' motion.

/s/

PAUL J. MCMURDIE,  
Presiding Judge

A copy of the foregoing  
was sent to:

Ebone L East  
Cathy Munoz  
Chelsey M Golightly  
Justin M Ackerman  
Elizabeth B N Garcia



IN THE

## COURT OF APPEALS

STATE OF ARIZONA

DIVISION ONE

DIVISION ONE

FILED: 02/08/2023

AMY M. WOOD,

CLERK

BY: KLE

EBONE EAST, et al.,	)	Court of Appeals
	)	Division One
Plaintiffs/Appellants,	)	No. 1 CA-CV 22-0443
	)	
	)	Maricopa County
	)	Superior Court
FIT IT AUTO REPAIR, INC.,	)	No. CV2021-014595
	)	
Defendant/Appellee.	)	
	)	

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**ORDER DISMISSING APPEAL**

The court, Presiding Judge Paul J. McMurdie, and Judges Michael J. Brown and Michael S. Catlett participating, has reviewed the record and briefing in this matter, in which Appellants challenge the superior court's order dismissing their lawsuit against Appellee.

We have an independent duty to determine whether we have jurisdiction over an appeal. *Baker v. Bradley*, 231 Ariz. 475, 478, ¶ 8 (App. 2013). We lack such jurisdiction when there is no aggrieved party. See ARCAP 1(d) ("Any party aggrieved by a judgment may appeal as provided under Arizona law and by these Rules."); *Farmers Ins. Grp. v. Worth Ins. Co.*, 8 Ariz. App. 69, 71 (1968) ("It is a prerequisite to our appellate jurisdiction that the appellant be a 'party aggrieved' by the judgment or order from which the appeal is taken."). Consistent with that principle, a party "cannot appeal from a judgment to which it consents."

*Douglas v. Governing Bd. of Window Rock Consol. Sch. Dist. No. 8, 221 Ariz. 104, 108, ¶ 9 (App. 2009)*

In this case, Appellants sued Appellee, alleging it was negligent in performing an oil change. Eventually the parties reached a settlement, as confirmed by the "Stipulation For Dismissal With Prejudice" filed with the superior court on May 24, 2022. The stipulation provided that the parties agreed that the case "may be dismissed with prejudice as to all claims for the reason that the matter has settled." Based on the stipulation, the superior court issued an Order for Dismissal With Prejudice.

Appellants signed the stipulation; however, each of them wrote "without prejudice" underneath their signatures. But Appellants made no effort to change the language of the stipulation, which plainly states that the parties agreed to a dismissal with prejudice. And on appeal, Appellants do not dispute that they received their settlement checks.

The superior court accepted the stipulation when it issued its dismissal order, and nothing in the record indicates that Appellants took any action to set aside the order. See Ariz. R. Civ. P. 60(b); *Lowther v. Hooker*, 129 Ariz. 461, 463 (App. 1981) (stating that "[i]n the absence of fraud, mistake, or collusion, a judgment by consent is binding and conclusive upon the parties"). Because Appellants consented to entry of the order dismissing their case with prejudice, they are not aggrieved parties. Accordingly,

**IT IS ORDERED** dismissing this appeal.

**IT IS FURTHER ORDERED** vacating conference scheduled on March 1, 2023.

/s/

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Paul J. McMurdie, Presiding Judge

A copy of the foregoing  
was sent to:

Ebone L East  
Cathy Munoz  
Chelsey M Golightly  
Justin M Ackerman  
Elizabeth B N Garcia  
Hon Timothy J Thomason



**Supreme Court**  
STATE OF ARIZONA

**ROBERT BRUTINEL**  
Chief Justice

ARIZONA STATE COURTS BUILDING  
1501 WEST WASHINGTON STREET, SUITE 402  
PHOENIX, ARIZONA 85007  
TELEPHONE: (602) 452-3396

**TRACIE K. LINDEMAN**  
Clerk of the Court

May 10, 2023

**RE: EAST et al v FIX IT AUTO REPAIR**  
Arizona Supreme Court No. CV-23-0037-PR  
Court of Appeals, Division One No. 1 CA-CV 22-0443  
Maricopa County Superior Court No. CV2021-014595

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on May 10, 2023, in regard to the above-referenced cause:

**ORDERED: Petition for Review = DENIED.**

**A panel composed of Chief Justice Brutinel, Justice Bolick, Justice Lopez and Justice Beene participated in the determination of this matter.**

Tracie K. Lindeman, Clerk

TO:  
Ebene L East  
Cathy Munoz  
Chelsey M Golightly  
Justin M Ackerman  
Elizabeth B N Garcia  
Amy M Wood  
ga

SUPREME COURT OF ARIZONA

EBONE EAST, et al.,	)	Arizona Supreme Court
	)	No. CV-23-0037-PR
Plaintiffs/Appellants,	)	Court of Appeals
v.	)	Division One
	)	No. 1 CA-CV 22-0443
FIX IT AUTO REPAIR, INC.,	)	Maricopa County
Defendant/Appellee.	)	Superior Court
	)	No. CV2021-014595
	)	

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**FILED 05/26/2023**

**O R D E R**

On May 10, 2023, a panel composed of Chief Justice Brutinel, Justice Bolick, Justice Lopez and Justice Beene denied Plaintiffs'/Appellants' "Petition for Review." On May 23, 2023, Plaintiffs/Appellants filed a "Petition for Rehearing," which the Court is treating as a Motion for Reconsideration. Pursuant to Rule 22(f) of the Arizona Rules of Civil Appellate Procedure, no party may file a motion for reconsideration of an order denying a petition for review unless "permitted by specific appellate court order." This Court has not entered an order permitting a motion for reconsideration. Therefore,

**IT IS ORDERED** dismissing Appellants' "Petition for Rehearing."

DATED this 26<sup>th</sup> day of May, 2023.

/s/

JOHN R. LOPEZ IV  
Duty Justice

TO:

Ebone L East

Cathy Munoz

Chelsey M Golightly

Justin M Ackerman

Elizabeth B N Garcia

Amy M Wood

my