

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-017113

08/20/2014

HONORABLE KATHERINE COOPER

CLERK OF THE COURT
D. Harding
Deputy

CAVE CREEK UNIFIED SCHOOL DISTRICT, DONALD M PETERS
et al.

v.

DEAN MARTIN, et al.

KEVIN D RAY

PETER A GENTALA
WILLIAM A RICHARDS

JUDGMENT SIGNED

The Court has reviewed Cave Creek's proposed Judgment and Notice of Lodging filed July 14, 2014; the State's Objection filed July 30, 2014; and Cave Creek's Response filed August 12, 2014.

Cave Creek's proposed Judgment on Remand asserted two distinct claims:

1) a request that the base level be reset to what it would be had the State applied the inflation adjustments properly between FY 2009-10 and FY 2013-14; and

2) equitable relief directing the State to disburse funds to retroactively reimburse school districts for the inflation adjustments not made.

By Minute Entry Order dated July 2, 2014 (filed July 11, 2014 and referred to as "Order"), the Court resolved the first claim. The Court reserved ruling on the second claim pending an evidentiary hearing on the equities of that claim.

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The State opposes entry of a final Judgment on the first issue. It contends that the Court's Order 1) is not a final, appealable order; 2) that the Court should give itself the opportunity to reconsider its Order after the evidentiary hearing; and 3) a Judgment will force the State to deal with the inevitable budget issues.

The State's objections are overruled.

Under Rule 54(b), the trial court has discretion to enter an appealable final judgment on fewer than all of the claims in a case, when such judgment disposes of at least one separate claim in a multi-claim case. *GM Development Corp. v. Community American Mortgage Corp.*, 165 Ariz. 1, 9, 795 P.2d 827, 835 (App. 1990) ("Whether to render a judgment final by the inclusion of Rule 54(b) language is a decision that lies within the sound discretion of the trial court.") A final judgment is proper if the nature of the adjudicated claim is "such that no appellate court would have to decide the same issues more than once even if there are subsequent appeals." *Id.* (citations omitted.) If there is "an ultimate disposition of an individual claim," the court's decision on that claim may be deemed final and appealable. *Catalina Foothills Unified School District No. 16 v. La Paloma Property Owners Association, Inc.*, 229 Ariz. 525, 528, 278 P.3d 303, 306 (App. 2012).

This Court's Order granting declaratory judgment and resetting the base level satisfies the requirements for a Rule 54(b) judgment for these reasons.

1. It fully resolves Cave Creek's first issue resetting the base level. The Court determined as a matter of law that the base for future adjustments must be corrected to fulfill the mandate and intent of A.R.S. § 15-901.01 and the Arizona Supreme Court's decision.
2. The only issues remaining relate to further equitable relief in the form of retroactive reimbursement for the unpaid inflation adjustments. Assuming the State appeals the Court's decision on both the reset and reimbursement issues, the Court of Appeals will not have to decide the same issues twice.
3. The evidentiary hearing on the reimbursement claim does not bar entry of a final Judgment on the July 2, 2014 Order.
4. The State and Legislature's preference for one judgment for budgeting reasons also does not bar entry of a final Judgment now on the Order.

Accordingly, Cave Creek's proposed Judgment is signed on August 19, 2014 and entered by the Clerk on August 20, 2014. The Court notes that the State does not object to the base level

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figure for FY 2014-15 set forth in the Judgment. The Court takes judicial notice that the Legislature adjusted the base level for 2014-15 by 1.4 percent. Cave Creek agrees that 1.4 percent was the correct inflation –adjustment figure to use. The State does not object.