

SUPREME COURT OF ARIZONA

WORLD RESOURCES COMPANY, ) Arizona Supreme Court  
 ) No. CV-11-0368-PR  
Plaintiff/Appellant, )  
 ) Court of Appeals  
v. ) Division One  
 ) No. 1 CA-CV 10-0868  
ROOSEVELT IRRIGATION DISTRICT, a )  
political subdivision of the ) Maricopa County  
State of Arizona; GALLAGHER & ) Superior Court  
KENNEDY, P.A., an Arizona ) No. CV2009-038029  
professional corporation; and )  
DAVID P. KIMBALL, III, and ) **FILED 04/25/2012**  
MARGARET A. KIMBALL, husband and )  
wife, )  
 )  
 )  
Defendants/Appellees. )  
\_\_\_\_\_ )

O R D E R

The Court has considered the petition for review filed by Plaintiff/Appellant World Resources Company and the response thereto. Upon consideration,

IT IS ORDERED that the petition for review is GRANTED.

IT IS FURTHER ORDERED that the orders of the court of appeals dismissing the appeal and denying reconsideration are VACATED. The first order signed by the trial court, filed on July 29, 2010, was facially non-appealable, as it contained no Rule 54(b) language and no language granting judgment. The second order signed by the trial court, filed on October 27, 2010, granted judgment in favor of defendants and against plaintiff on counts one through four, dismissed those counts with prejudice, and dismissed count five without prejudice, providing that final judgment should be entered immediately pursuant to Rule 54(b). The notice of appeal filed by Plaintiff/Appellant from the final Judgment was timely.

IT IS FURTHER ORDERED remanding this case to the court of appeals for consideration of the appeal.

DATED this \_\_\_\_\_ day of April, 2012.

\_\_\_\_\_  
REBECCA WHITE BERCH  
Chief Justice

TO:

Scott T Ashby  
Teresita T Mercado  
Shannon L Clark  
Bradley J Glass  
Michael K Kennedy  
Hon Norman J Davis  
Hon John C Rea  
Michael K Jeanes  
Hon Jon W Thompson  
Ruth Willingham  
damr/chj