

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0743

BIGGS et al. v. BETLACH et al.

Appellate Case Information

Case Filed: 10-Nov-2015

Case Closed:

Dept/Composition

Department A

Hon. Kenton D Jones

Hon. Patricia K Norris

Hon. Paul J McMurdie

Court of Appeals, Division One

Civil Appeal

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BIGGS et al. v. BETLACH et al.

Side 1. ANDY BIGGS, et al., Plaintiff/Appellant
(Litigant Group) ANDY BIGGS et al.

- Andy Biggs
- Andrew Tobin
- Nancy Barto
- Judy Burges
- Chester Crandell
- Gail Griffin
- Al Melvin
- Kelli Ward
- Steve Yarbrough
- Kimberly Yee
- John Allen
- Brenda Barton
- Sonny Borrelli
- Paul Boyer
- Karen Fann
- Eddie Farnsworth
- Thomas Forese
- David Gowan
- Rick Gray
- John Kavanagh
- Adam Kwasman
- Debbie Lesko
- David Livingston
- Phil Lovas
- J D Mesnard
- Darin Mitchell
- Steve Montenegro
- Justin Olson
- Warren Petersen
- Justin Pierce
- Carl Seel
- Steve Smith
- David Stevens
- Bob Thorpe
- Kelly Townsend
- Michelle Ugenti
- Jeanette Dubreil
- Katie Miller
- Tom Jenney

Attorneys for: Plaintiffs/Appellants

Christina Sandefur, Esq. (AZ Bar No. 27983)

Aditya Dynar, Esq. (AZ Bar No. 31583)

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Side 2. THOMAS J. BETLACH, Defendant/Appellee

(Litigant Group) THOMAS J BETLACH

- Thomas J Betlach

Attorneys for: Defendant/Appellee Betlach

Douglas C Northup, Esq. (AZ Bar No. 13987)
Timothy J Berg, Esq. (AZ Bar No. 4170)
Patrick Irvine, Esq. (AZ Bar No. 6534)
Carrie Pixler Ryerson, Esq. (AZ Bar No. 28072)

Side 3. EDMUNDO MACIAS; GARY GORHAM; DANIEL MCCORMICK; and TIM FERRELL, Intervenor-Defendants/Appellees, Intervenor Defendant

(Litigant Group) EDMUNDO MACIAS et al.

- Gary Gorham, Appellee
Daniel McCormick, Appellee
Tim Ferrell, Appellee
Edmundo Macias, Appellee

Co-Counsel: Intervenor Defendants/Appellees

Timothy M Hogan, Esq. (AZ Bar No. 4567)
Joy Herr-Cardillo, Esq. (AZ Bar No. 9718)
Ellen S Katz, Esq. (AZ Bar No. 12214)

Side 4. HEALTH SYSTEM ALLIANCE OF ARIZONA, Amicus Curiae

(Litigant Group) HEALTH SYSTEM ALLIANCE OF ARIZONA

- Health System Alliance of Arizona

Attorneys for: Amicus Curiae HSAA

Kory A Langhofer, Esq. (AZ Bar No. 24722)

Side 5. ARIZONA HOSPITAL AND HEALTHCARE ASSOCIATION, Amicus Curiae

(Litigant Group) ARIZONA HOSPITAL AND HEALTHCARE ASSOCIATION

- Arizona Hospital and Healthcare Association

Co-Counsel for: Amicus Curiae AzHHA

Roopali H Desai, Esq. (AZ Bar No. 24295)
D Andrew Gaona, Esq. (AZ Bar No. 28414)
Ann-Marie Alameddin, Esq. (AZ Bar No. 23570)

CASE STATUS

Apr 18, 2017.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR CV2013-011699, Injunctive and Declaratory Relief, Douglas Gerlach, Authoring Judge of Order.

Table with 2 columns: DESCENDENT CASE(S), Cause/Charge/Class. Row 1: ASC CV-17-0130-PR.

CASE DECISION

16-Mar-2017 OPINION

Paul McMurdie.....Author
Kenton Jones.....Concur
Patricia Norris.....Concur

Table with 2 columns: Filed: 16-Mar-2017, Mandate: Decision Disposition Affirmed

35 PROCEEDING ENTRIES

- 1. 10-Nov-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 10/13/15
2. 10-Nov-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 18-Nov-2015 FILED: Notice to Parties re: Appellant's Case Management Statement/Brief Due; Intervenor/Appellees' Fee Due
4. 23-Nov-2015 FILED: Reporter's Transcript - 07/30/2015 - (Nicole Sesta); Certificate of Service of Transcript (Appellant)
5. 1-Dec-2015 FILED: Letter, 12/1/15, to Court from Counsel for Intervenor-Defendants/Appellees' Macias, Gorham, McCormick and Ferrell re: submission of filing fee

Court of Appeals, Division One**Civil Appeal****1 CA-CV 15-0743****BIGGS et al. v. BETLACH et al.****35 PROCEEDING ENTRIES**

6. 4-Dec-2015 RECEIPT No.: 2015-01675 ; \$140.00, Authorization: #37012071743, Applied to: EDMUNDO MACIAS et al. - Class B Filing Fee (\$140.00) Paid for: William E Morris Institute for Justice - By Integrated Resource Systems IN
7. 8-Dec-2015 FILED: Case Management Statement (Appellant)
8. 4-Jan-2016 FILED: Notice of Appearance; Certificate of Service of Notice of Appearance (Appellant)
9. 8-Jan-2016 FILED: Notice of Withdrawal of Counsel; Certificate of Service of Notice of Withdrawal of Counsel (Appellant)
10. 19-Jan-2016 FILED: Plaintiffs/Appellants' Opening Brief; Certificate of Compliance of Plaintiffs/Appellants' Opening Brief; Certificate of Service of Plaintiffs/Appellants' Opening Brief
11. 7-Mar-2016 FILED: Answering Brief; Certificate of Compliance for Answering Brief; Certificate of Service for Answering Brief (Appellee Betlach)
12. 7-Mar-2016 FILED: Intervenor-Defendants/Appellees' Answering Brief; Certificate of Compliance for Intervenor-Defendants/Appellees' Answering Brief; Certificate of Service for Intervenor-Defendants/Appellees' Answering Brief
13. 10-Mar-2016 RECEIPT No.: 2016-00316 ; \$140.00, Authorization: #69015804365, Applied to: EDMUNDO MACIAS et al. - Overpayment Class B (\$140.00) Paid for: Arizona Center for Law in the Public Interest - By Integrated Resources Systems IN (Memo: Duplicate Pmt - See Rcpt 2015-01675)
14. 31-Mar-2016 FILED: Plaintiffs/Appellants' Reply Brief; Certificate of Compliance of Plaintiffs/Appellants' Reply Brief; Certificate of Service of Plaintiffs/Appellants' Reply Brief (Appellant)
15. 6-Apr-2016 FILED: Defendant/Appellee's Request for Oral Argument (Thomas Betlach); Certificate of Service for Request for Oral argument (Appellee)
16. 6-Apr-2016 FILED: Appellants' Request for Oral Argument; Certificate of Service of Appellants' Request for Oral Argument (Appellant)
17. 20-Apr-2016 FILED: Letter, 4/20/16, from COA1 to Timothy M Hogan re: refund of monies submitted in error
18. 22-Apr-2016 FILED: Brief of Amicus Curiae Arizona Hospital and Healthcare Association in Support of Appellees - Filed with the Written Consent of All Parties; Certificate of Compliance; Certificate of Service; Notice of Filing of Written Consents
19. 25-Apr-2016 FILED: Brief of Amicus Curiae Health System Alliance of Arizona; Certificate of Compliance; Certificate of Service
20. 3-May-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21. 11-May-2016 ORDERED: Defendant/Appellee's Request for Oral Argument (Thomas Betlach) and Appellants' Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
22. 12-May-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
23. 16-May-2016 FILED: Appellants' Combined Response to Amicus Briefs of Arizona Hospital and Healthcare Association and Health System Alliance of Arizona; Certificate of Compliance; Certificate of Service (Appellant)
24. 30-Dec-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 2-14-17, 09:30 am, COURTROOM 1.
25. 3-Jan-2017 FILED: Notice of Oral Argument
26. 4-Jan-2017 FILED: Receipt for Notice of Oral Argument, signed by Christina Sandefur on 01/03/2017 (Appellants)
27. 6-Jan-2017 FILED: Receipt for Notice of Oral Argument, signed by Douglas C Northup on 01/03/2017 (Appellee Betlach)
28. 6-Jan-2017 FILED: Receipt for Notice of Oral Argument, signed by Timothy M Hogan on 01/03/2017 (Appellees Macias)
29. 11-Jan-2017 ORDERED: granting the request (request to audio record oral argument), subject to the following restrictions as listed in order. Hon Kenton D Jones - Author
30. 19-Jan-2017 FILED: Notice of Change of Address; Certificate of Service (Appellees)
31. 14-Feb-2017 FILED: Sign-in Sheet/Case is Under Advisement (Dept A)
32. 16-Mar-2017 OPINION (Affirmed) Hon Paul J McMurdie - Author; Hon Kenton D Jones - Concur; Hon Patricia K Norris - Concur

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35 PROCEEDING ENTRIES

- 33. 16-Mar-2017 FILED: Opinion Distribution List
- 34. 18-Apr-2017 FILED: Email Notice from ASC re: Petition for Review filed 4/17/17; request for partial record
- 35. 18-Apr-2017 FILED: Letter forwarding partial record to Arizona Supreme Court