Court of Appeals, Division One

Civil Appeal

1 CA-CV 16-0274 WOODHEAD, et al. v. PHOENIX, et al.

Appellate Case Information

Case Filed: 17-May-2016

Case Closed:

Dept/Composition

Side 1. MICHAEL WOODHEAD, et al., Plaintiff/Appellant

(Litigant Group) MICHAEL WOODHEAD, et al.

- **Michael Woodhead**
- **Jeri Woodhead**
- **Alec Woodhead, Minor Child**
- **Ashton Woodhead, Minor Child**
- **Austin Woodhead, Minor Child**

Attorneys for: Plaintiffs/Appellants
Scott E Boehm, Esq. (AZ Bar No. 6603)
Thomas J Howard, Esq. (AZ Bar No. 9125)
Heather A Cornwell, Esq. (AZ Bar No. 25013)

Side 2. CITY OF PHOENIX, et al., Defendant/Appellee

(Litigant Group) CITY OF PHOENIX

- **City of Phoenix**

Attorneys for: Defendant/Appellee City of Phoenix
Scott G Andersen, Esq. (AZ Bar No. 20094)
Richard Carpenter, Esq. (AZ Bar No. 30752)

(Litigant Group) VALLEY METRO RAIL, INC

- **Valley Metro Rail, Inc**

Attorneys for: Defendant/Appellee Valley Metro
Lori V Berke, Esq. (AZ Bar No. 15628)
Jody C Corbett, Esq. (AZ Bar No. 19718)

(Litigant Group) PARSONS BRINCKERHOFF, INC

- **Parsons Brinckerhoff, Inc**

Attorneys for: Defendant/Appellee Parsons
James K Kloss, Esq. (AZ Bar No. 10327)
Gina M Bartoszek, Esq. (AZ Bar No. 14329)

(Litigant Group) STANTEC CONSULTING, INC; AECOM USA, INC

- **Stantec Consulting Inc**
- **AECOM USA, Inc**

Attorneys for: Defendants/Appellees Stantec/AECOM
Christopher D C Hossack, Esq. (AZ Bar No. 3420)
Heather K Seiferth, Esq. (AZ Bar No. 24776)

(Litigant Group) ARCHER WESTERN CONTRACTORS, LTD

- **Archer Western Contractors, LTD**

Attorneys for: Defendant/Appellee Archer Western
Susanne Ingold, Esq. (AZ Bar No. 19143)
Ann Marie Stevens, Esq. (AZ Bar No. 29753)

Side 3. LIBERTY INSURANCE CORPORATION, Intervenor/Appellee

(Litigant Group) LIBERTY INSURANCE CORPORATION

- **Liberty Insurance Corporation**

Attorneys for: Intervenor/Appellee Liberty
Larry D Langley, Esq. (AZ Bar No. 18831)

CASE STATUS

Jan 12, 2017....At Issue

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2012-055322		Tort - Negligence	John R Hannah, Authoring Judge of Order		
MAR	CV2013-011626					

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2 OPEN DUE DATES

Court Ordered Document due **Due By:** Thursday, December 15, 2016

Appellee Valley Metro Rail compact disc
*Re: * ORDERED: Defendant-Appellee Valley Metro Rail, Inc's Motion for Leave to File Exhibits Non-Electronically (Appellee) = GRANTED/allowing appellee Valley Metro Rail, Inc. to file a compact disc containing three audio recordings. Appellee shall file the co*

Additional Record Due **Due By:** Tuesday, February 21, 2017

Re: FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days

58 PROCEEDING ENTRIES

1.	17-May-2016	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/18/16
2.	17-May-2016	FILED: e-Record on Appeal (CV2012-055322) Instruments/Minute Entries Exhibits: None
3.	17-May-2016	FILED: e-Record on Appeal (CV2013-011626) Instruments/Minute Entries Exhibits: None
4.	19-May-2016	FILED: Notice to Parties re: Appellants' Fee/Case Management Statement/Brief Due
5.	25-May-2016	FILED: Appellants' Notice of Payment of Filing Fee; Certificate of Service for Appellants' Notice of Payment of Filing Fee(Appellant)
6.	25-May-2016	FILED: Appellants' Notice of Filing and Service of Transcript for Appeal; Certificate of Service for Appellants' Notice of Filing and Service of Transcript for Appeal (Appellant)
7.	25-May-2016	FILED: Reporter's Transcript - 02/11/2016 - Oral Argument (Cindy L. Lineburg) (Appellant)
8.	31-May-2016	FILED: Case Management Statement; Certificate of Service for Case Management Statement (Appellants)
9.	31-May-2016	RECEIPT No.: 2016-00656 ; $280.00, Authorization: #520133353814, Applied to: MICHAEL WOODHEAD, et al. - Class A Filing Fee ($280.00) Paid for: Law Office of Scott E Boehm PC - By Integrated Resource Systems IN
10.	15-Jun-2016	FILED: Appellee's Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
11.	15-Jun-2016	FILED: AMENDED Appellees' Notice re: Appellees' Fee; Appellant's Brief Due
12.	15-Jun-2016	FILED: SECOND AMENDED Appellee's Notice re: Appellees' Fee; Appellant's Brief Due
13.	15-Jun-2016	FILED: Notice re Payment of Filing Fees; Certificate of Service (Appellee Parsons)
14.	21-Jun-2016	RECEIPT No.: 2016-00760 ; $140.00, Authorization: #72018123023, Applied to: PARSONS BRINCKERHOFF, INC - Class B Filing Fee ($140.00) Paid for: Lewis Brisbois Bisgaard & Smith LLP - By Integrated Resource Systems IN
15.	21-Jun-2016	FILED: Notice of Payment oF Filing Fee; Certificate of Service (Appellee Stantec/AECOM)
16.	21-Jun-2016	FILED: Certificate of Service (duplicate) (Appellee Stantec/AECOM)
17.	23-Jun-2016	FILED: Notice of Appearance; Certificate of Service (Appellee Stantec/AECOM)
18.	23-Jun-2016	FILED: Certificate of Service (duplicate) (Appellee Stantec/AECOM)
19.	27-Jun-2016	RECEIPT No.: 2016-00785 ; $140.00, Authorization: Ref1:79010473809, Applied to: STANTEC CONSULTING, INC; AECOM USA, INC - Class B Filing Fee ($140.00) Paid for: Clark Hill PLC - By Integrated Resource Systems IN
20.	29-Jun-2016	FILED: Letter, dated 06/29/2016, to Clerk of the Court from Susanne E Ingold re: Appellee Archer Western Contractors Filing Fee (Appellee Archer)
21.	6-Jul-2016	RECEIPT No.: 2016-00829 ; $140.00, Authorization: #87032019100, Applied to: ARCHER WESTERN CONTRACTORS, LTD - Class B Filing Fee ($140.00) Paid for: Burch & Cracchiolo PA - By Integrated Resource Systems IN
22.	15-Jul-2016	FILED: Unopposed Motion for Procedural Order Extending Time to File Opening Brief; Certificate of Service for Motion for Procedural Order Extending Time to File Opening Brief (Appellant)

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58 PROCEEDING ENTRIES

23.	18-Jul-2016	ORDERED: Unopposed Motion for Procedural Order Extending Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-18-2016 to Wednesday, 08-17-2016. Melina Brill ProTem Judge - Author
24.	17-Aug-2016	FILED: Opening Brief of Appellants Woodhead; Certificate of Compliance for Opening Brief of Appellants Woodhead; Certificate of Service for Opening Brief of Appellants Woodhead (Appellants)
25.	23-Aug-2016	FILED: Request for Oral Argument; Certificate of Service for Request for Oral Argument (Appellant)
26.	6-Sep-2016	FILED: Unopposed Motion for Procedural Order Extending Time to File Appellees Joint Answering Brief; Certificate of Service for Unopposed Motion for Procedural Order Extending Time to File Appellees' Joint Answering Brief (Appellee)
27.	7-Sep-2016	FILED: Archer Western Motion for Extension; Certificate of Service (Appellee)
28.	7-Sep-2016	ORDERED: Unopposed Motion for Procedural Order Extending Time to File Appellees Joint Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 10-03-2016 to Wednesday, 11-02-2016. Melina Brill ProTem Judge - Author
29.	8-Sep-2016	FILED: Motion to Preclude Defendants From Filing Two Answering Briefs Each; Certificate of Service for Motion to Preclude Defendants from Filing Two Answering Briefs Each (Appellant)
30.	8-Sep-2016	ORDERED: Archer Western Motion for Extension (Appellee) = GRANTED/affirming due date of 11/02/2016 for all answering briefs. Melina Brill ProTem Judge - Author
31.	13-Sep-2016	FILED: Archer Western Response to Motion to Preclude Defendants From Filing Two Answering Briefs Each; Certificate of Service (Appellee)
32.	15-Sep-2016	FILED: Defendants-Appellees Valley Metro Rail, Inc. and City of Phoenix's Response to Plaintiffs-Appellants' "Motion to Preclude Defendants from Filing Two Answering Briefs Each; Certificate of Service (Appellee)
33.	20-Sep-2016	FILED: Joinder in Defendants-Appellees Valey Metro Rail Inc. and City of Phoenix's Response to Plaintiffs-Appellants Motion to Preclude Defendants from Filing Two Answering Briefs Each; Certificate of Service (Appellee)
34.	20-Sep-2016	FILED: Certificate of Service (Appellee)
35.	26-Sep-2016	FILED: Reply in Support of Motion to Preclude Defendants from Filing Two Answering Briefs Each; Certificate of Service for Reply in Support of Motion to Preclude Defendants from Filing Two Answering Briefs Each (Appellant)
36.	29-Sep-2016	ORDERED: clarifying that if any appellee files a separate answering brief, that appellee may not also join in another answering brief, but may adopt by reference any portion of any other answering brief. Melina Brill ProTem Judge - Author
37.	2-Nov-2016	FILED: Defendant-Appellee Valley Metro Rail, Inc's Motion for Leave to File Exhibits Non-Electronically; Certificate of Service (Appellee Valley Metro)
38.	2-Nov-2016	FILED: Answering Brief of Appellees Stantec Consulting Services, Inc. and AECOM USA, Inc.; Certificate of Compliance; Certificate of Service (Appellee Stantec)
39.	2-Nov-2016	FILED: Certificate of Service (re: Answering Brief of Appellees Stantec Consulting Services, Inc. and AECOM USA, Inc.) (Appellee Stantec)
40.	2-Nov-2016	FILED: Answering Brief of Defendant/Appellee City of Phoenix; Phoenix's Certificate of Compliance of Answering Brief; Phoenix's Certificate of Service of Answering Brief (Appellee PHX)
41.	2-Nov-2016	FILED: Archer Western Contractors, Ltd's Answer Brief; Certificate of Compliance; Certificate of Service (Appellee Archer)
42.	2-Nov-2016	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee Parsons)
43.	2-Nov-2016	FILED: Answering Brief of Defendant-Appellee Valley Metro Rail, Inc.; Certificate of Compliance; Certificate of Service (Appellee Valley Metro)
44.	4-Nov-2016	FILED: Phoenix's Notice of Errata of Certificate of Service of Answering Brief; Phoenix's Certificate of Service of Notice of Errata (Appellee City of Phoenix)
45.	4-Nov-2016	FILED: Phoenix's Amended Certificate of Service of Answering Brief (Appellee City of Phoenix)
46.	23-Nov-2016	FILED: Unopposed Motion for Procedural Order to Extend Time to File Reply Brief; Certificate of Service for Motion for Procedural Order Extending Time to File Reply Brief (Appellant)
47.	28-Nov-2016	ORDERED: Unopposed Motion for Procedural Order to Extend Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 11-28-2016 to Thursday, 01-12-2017. Melina Brill ProTem Judge - Author

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58 PROCEEDING ENTRIES

48.	30-Nov-2016	ORDERED: Defendant-Appellee Valley Metro Rail, Inc's Motion for Leave to File Exhibits Non-Electronically (Appellee) = GRANTED/allowing appellee Valley Metro Rail, Inc. to file a compact disc containing three audio recordings. Appellee shall file the compact disc on/before 12/15/2016. Hon Diane M Johnsen - Author
49.	30-Nov-2016	ORDERED: intervenor/appellee Liberty Insurance Corporation's answering brief due 12/12/2016. Intervenor/Appellee must pay the filing fee before filing the brief. In the event the answering brief is not timely filed, this appeal will be submitted for decision on the record and the filed briefs of the participating parties. Melina Brill ProTem Judge - Author
50.	2-Dec-2016	FILED: Notice of Non-Participation in Appeal by Intervenor Liberty Insurance Corporation; Certificate of Service (Appellee)
51.	5-Dec-2016	RECEIPT No.: 2016-01468 ; $140.00, Check Number: #5850, Applied to: LIBERTY INSURANCE CORPORATION - Class B Filing Fee ($140.00) Paid for: Langley Law Firm PC - By Langley Law Firm PC
52.	6-Dec-2016	FILED: Defendant - Appellee Valley Metro Rail Inc Notice of Non Electronic Filing of Exhibits (Valley Metro Inc)
53.	6-Dec-2016	FILED: Defendant-Appellee Valley Metro Rail, Inc.'s Notice of Non-Electronic Filing of Exhibits; Certificate of Service (Appellee)
54.	12-Jan-2017	FILED: Reply Brief of Appellants Woodhead; Certificate of Compliance for Reply Brief of Appellants Woodhead; Certificate of Service for Reply Brief of Appellants Woodhead (Appellants)
55.	25-Jan-2017	FILED: Appellees' Joint Request for Extended Oral Argument; Certificate of Service (Appellee)
56.	1-Feb-2017	FILED: Response to Appellees Joint Request for Extended Oral Argument; Certificate of Service (Appellant)
57.	9-Feb-2017	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
58.	9-Feb-2017	ORDERED: granting request for oral argument and extending time for argument to 30 minutes for each side. Oral argument will be scheduled in the normal course of the court's civil appeals calendar, and the court will notify counsel of the date. Hon Michael J Brown - Author

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