

Court of Appeals, Division One

Civil Appeal

1 CA-CV 17-0550

MADONNA, et al. v. STATE, et al.

Appellate Case Information

Case Filed: 20-Sep-2017

Case Closed:

Dept/Composition

Department E

Hon. Jon W Thompson
Hon. Peter B Swann
Hon. James P Beene

Side 1. MATTHEW G. MADONNA, et al., Plaintiff/Appellant

(Litigant Group) MATTHEW G MADONNA, et al.

- Matthew G Madonna
Sandra L Bahr
Animal Defense League of Arizona
The Friends of ASBA Inc
The Arizona Advocacy Network Foundation
Planned Parenthood Advocates of Arizona

Co-Counsel for: Plaintiffs/Appellants

Roopali H Desai, Esq. (AZ Bar No. 24295)
L Keith Beauchamp, Esq. (AZ Bar No. 12434)
D Andrew Gaona, Esq. (AZ Bar No. 28414)
Daniel J Adelman, Esq. (AZ Bar No. 11368)

Side 2. STATE OF ARIZONA, Defendant/Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Defendant/Appellee State of Arizona

David R Cole, Esq. (AZ Bar No. 4643)
Kara Karlson, Esq. (AZ Bar No. 29407)
Joseph Eugene La Rue, Esq. (AZ Bar No. 31348)
Dominic Emil Draye, Esq. (AZ Bar No. 33012)

Side 3. STEVE YARBROUGH, et al., Intervenor/Appellee

(Litigant Group) STEVE YARBROUGH, et al.

- J D Mesnard
Steve Yarbrough

Attorneys for: Intervenor/Appellees

David J Cantelme, Esq. (AZ Bar No. 6313)
D Aaron Brown, Esq. (AZ Bar No. 22133)

CASE STATUS

Jun 7, 2018.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2017-007407, Declaratory Judgment and Injunctive Relief, Sherry K Stephens, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-18-0140-PR
ASC T-17-0002-CV

CASE DECISION

08-May-2018 MEMORANDUM DECISION

James Beene.....Author
Jon Thompson.....Concur
Peter Swann.....Concur

Filed: 08-May-2018 Mandate:

Decision Disposition

Affirmed

42 PROCEEDING ENTRIES

1. 20-Sep-2017 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 08/22/17

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 17-0550****MADONNA, et al. v. STATE, et al.****42 PROCEEDING ENTRIES**

2. 20-Sep-2017 FILED: e-Record on Appeal: Combined Instruments/Minute Entries  
Deposition: 6/8/17 - Sany Bahr; 6/30/17 - J. Charles Couglin; 6/9/17 - Joel Edman; 6/27/17 - Reynaldo Valenzuela Jr; 6/28/17 - Patricia Lee Hansen; 6/12/17 - Jodi Robbins Liggett; 6/9/17 - Stephanie Nichols-Young; 6/2/17 - Matthew G Madonna; 6/7/17 - Christopher Patrick Thomas; 6/29/17 - Andrew Chavez; 6/27/17 - Gibson Mckay; 6/21/17 - Kory Langofer;  
Exhibits: None
3. 5-Oct-2017 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 6-Oct-2017 FILED: Reporter's Transcript - 07/12/2017 - Trial - Day 1 (Debra R Carney)
5. 7-Oct-2017 FILED: Reporter's Transcript - 07/12/2017 - Bench Trial (Janell Rose)
6. 10-Oct-2017 FILED: Reporter's Transcript - 07-13-2017 - Bench Trial, Day 2 (Marylynn LeMoine)
7. 11-Oct-2017 RECEIPT No.: 2017-01187 ; \$280.00, Check Number: #27896, Applied to: MATTHEW G MADONNA, et al. - Class A Filing Fee (\$280.00) Paid for: Coppersmith Brockelman PLC - By Coppersmith Brockelman PLC
8. 16-Oct-2017 FILED: Appellate Clerk Notice re: Appellee's Fee [sic]; Appellant's Brief/Case Management Statement Due (no fee due from appellee's)
9. 23-Oct-2017 FILED: Case Management Statement; Courtesy Copy - Judgment filed 08/16/2017 in Maricopa County Superior Court (Appellants)
10. 1-Nov-2017 FILED: Appellants' Combined Opening Brief and Appendix; Certificate of Compliance; Certificate of Service (Appellants)
11. 1-Nov-2017 FILED: Appellants' Motion to Expedite Appeal; Certificate of Service (Appellant)
12. 1-Nov-2017 FILED: Appellants' Request for Expedited Oral Argument; Certificate of Service (Appellant)
13. 13-Nov-2017 FILED: Appellees' Response in Opposition to Appellants' Motion to Expedite Appeal; Certificate of Service; Exhibit 1; Exhibit 2 (Appellee)
14. 20-Nov-2017 FILED: Appellants' Reply In Support of Motion to Expedite Appeal; Certificate of Service (Appellant)
15. 29-Nov-2017 ORDERED: Appellants' Motion to Expedite Appeal (Appellant) = DENIED. FURTHER ORDERED: denying appellee's request to clarify the proper scope of this appeal. Hon Samuel A Thumma - Author
16. 11-Dec-2017 FILED: Notice of Change of Firm Address; Certificate of Service (Appellee State of Arizona)
17. 11-Dec-2017 FILED: Notice of Change of Address; Certificate of Service (Appellants)
18. 11-Dec-2017 FILED: Answer Brief; Certificate of Compliance; Certificate of Service (Appellee State of Arizona)
19. 11-Dec-2017 FILED: ASC Letter dated 12/11/2017 re: Petition for Transfer DENIED
20. 18-Dec-2017 FILED: Appellants Unopposed Motion for Procedural Order (Reply Brief); Certificate of Service (Appellant)
21. 19-Dec-2017 ORDERED: Appellants Unopposed Motion for Procedural Order (Reply Brief) (Appellants) = GRANTED. Due date EXTENDED from Tuesday, 01-02-2018 to Tuesday, 01-16-2018. Melina Brill ProTem Judge - Author
22. 16-Jan-2018 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellants)
23. 2-Feb-2018 ORDERED: Appellants' Request for Expedited Oral Argument (Appellant) = GRANTED. Hon Samuel A Thumma - Author
24. 21-Feb-2018 FILED: Notice of Withdrawal and Substitution of Counsel; Certificate of Service of Notice of Withdrawal and Substitution of Counsel (Appellant)
25. 26-Feb-2018 CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 4-4-18, 11:00 am, COURTROOM 2.
26. 28-Feb-2018 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
27. 6-Mar-2018 FILED: Notice of Oral Argument
28. 9-Mar-2018 FILED: Supplemented Superior Court e-Record with Revised Index of Record
29. 9-Mar-2018 FILED: Return Receipt for Oral Argument signed by Roopali H. Desai on 03/06/2018. (Appellant)

**Court of Appeals, Division One**

**Civil Appeal**

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**42 PROCEEDING ENTRIES**

30. 9-Mar-2018 FILED: Additional record on appeal:  
HD 07/12/2017 LIST# 1 2 9 10 14 15 17 18 19 20 21 22 23 24 25  
26 27 in a Manila Envelope
31. 15-Mar-2018 FILED: Return Receipt for Notice of Oral Argument signed by Kara M. Karlson on 03/06/2018 (Appellee)
32. 30-Mar-2018 FILED: Return Receipt for Notice of Oral Argument signed by Kara Karlson and Kelsey Spillers on 03/06/2018 (Appellee)
33. 2-Apr-2018 FILED: Defendants' Rule 17 Notice of Supplemental Citation of Legal Authority; Certificate of Service; Exhibit 1 (Appellee)
34. 2-Apr-2018 FILED: Appellants Notice of Facts Not in the Record; Certificate of Service; Exhibits 1-3 (Appellant)
35. 3-Apr-2018 FILED: Defendants' Motion to Strike Appellants' Notice of Facts Not in the Record; Certificate of Service (Appellee)
36. 4-Apr-2018 FILED: Appellants Response in Opposition to Motion to Strike; Certificate of Service (Appellant)
37. 8-May-2018 MEMORANDUM DECISION (Affirmed) Hon James P Beene - Author; Hon Jon W Thompson - Concur; Hon Peter B Swann - Concur
38. 8-May-2018 FILED: Memorandum Decision Distribution List
39. 4-Jun-2018 FILED: Sign-in Sheet/Case is Under Advisement as of 04/04/2018 (Dept E)
40. 7-Jun-2018 FILED: Email Notice from ASC re: Petition for Review filed 6/7/18; request for partial record
41. 7-Jun-2018 FILED: Letter forwarding partial record to Arizona Supreme Court
42. 22-Jun-2018 FILED: Letter dated, 06/19/2018, to Arizona Court of Appeals from David J. Cantelme of Cantelme & Brown, P.L.C. RE: Change of Firm Location.