Arizona Supreme Court

Civil Petition for Review - Appeal

CV-16-0136-PR — **MICHAEL SOTO et al v ANTHONY M SACCO et al**

Appellate Case Information

Case Filed: 20-Jun-2016

Case Closed:

Dept/Composition

En Banc

Hon. Scott Bales
Hon. John Pelander
Hon. Ann A. Scott Timmer
Hon. Robert M. Brutinel
Hon. Clint Bolick
Hon. John R. Lopez
Hon. Rebecca White Berch

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

(Litigant Group) MICHAEL SOTO, et al

- **Michael Soto**
- **Julie Kunstler Soto**

Attorneys for: Plaintiffs/Appellants

James M Abernethy, Esq. (AZ Bar No. 12955)

(Litigant Group) STATE OF ARIZONA

- **State of Arizona, Amicus Curiae**

Attorneys for: Amicus Curiae

Mark Brnovich, Esq. (AZ Bar No. 14134)
Daniel P Schaack, Esq. (AZ Bar No. 10715)
Robert R McCright, Esq. (AZ Bar No. 25327)

Side 2. ANTHONY M. SACCO, et al, Defendant/Appellee

(Litigant Group) ANTHONY M. SACCO, et al

- **Anthony M Sacco**
- **Total Transit Inc**
- **Discount Cab**

Attorneys for: Defendants/Appellees

Edward G Hochuli, Esq. (AZ Bar No. 4566)
Justin M Ackerman, Esq. (AZ Bar No. 30726)
Lori L Voepel, Esq. (AZ Bar No. 15342)

Side 3. CITY OF PHOENIX, Amicus Curiae

(Litigant Group) CITY OF PHOENIX

- **City of Phoenix**

Attorneys for: Amicus Curiae City of Phoenix

Joseph N Roth, Esq. (AZ Bar No. 25725)
Joshua David Rothenberg Bendor, Esq. (AZ Bar No. 31908)
Brad Holm, Esq. (AZ Bar No. 11237)

Side 4. ARIZONA ASSOCIATION OF DEFENSE COUNSEL, Amicus Curiae

(Litigant Group) ARIZONA ASSOCIATION OF DEFENSE COUNSEL

- **Arizona Association of Defense Counsel**

Attorneys for: Amicus Curiae Az Association of

Jeffrey C Warren, Esq. (AZ Bar No. 21383)
Amanda E Heitz, Esq. (AZ Bar No. 26519)

CASE STATUS

Jan 24, 2017....	**Submitted**	Dec 13, 2016....	**At Issue**
Dec 13, 2016....	Oral Argument Granted	Jun 20, 2016.....	Pending

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CV 15-0092					
↳ MAR	CV2013-011046	Tort - Motor Vehicle		Michael D Gordon, Authoring Judge of Order Comments: (none)		

30 PROCEEDING ENTRIES

1.	20-Jun-2016	FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Opinion (Appellant M. Soto)
2.	20-Jun-2016	FILED: (Duplicate) Certificate of Compliance; (Duplicate) Certificate of Compliance (Appellant M. Soto)
3.	23-Jun-2016	RECEIPT No.: ASC2016-00572 ; $280.00, Authorization: 73019490973, Applied to: MICHAEL SOTO, et al - Class A Filing Fee ($280.00) Paid for: MICHAEL SOTO, et al - By Intresys Inc (Memo: Form Set No. 1839454)
4.	23-Jun-2016	FILED: Record from CofA: Electronic Record

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30 PROCEEDING ENTRIES

5.	5-Jul-2016	FILED: Notice of Waiver of Response to Petition for Review; Certificate of Service (Appellees Sacco et al)
6.	15-Jul-2016	FILED: Rule 17 Supplemental Citation of Legal Authority; Certificate of Service (Appellant M. Soto)
7.	22-Jul-2016	FILED: Response to Appellants' Supplemental Citation of Legal Authority; Certificate of Service (Appellees Sacco et al)
8.	13-Dec-2016	ORDERED: Petition for Review = GRANTED. FURTHER ORDERED: The case shall be set for oral argument. FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, on or before January 10, 2017.
9.	16-Dec-2016	NOTICE OF ORAL ARGUMENT: Set for Tuesday, January 24, 2017, at 10:00 A.M. [twenty minutes (20) per side]
10.	19-Dec-2016	FILED: Notice of Filing Acknowledgment of Oral Argument (James M. Abernethy will argue) (Appellant M. Soto)
11.	19-Dec-2016	FILED: Notice of Filing Acknowledgment of Oral Argument (Lori Voepel will argue) (Appellees Sacco et al)
12.	20-Dec-2016	FILED: Notice of Association of Counsel (Attorney Lori L. Voepel); Certificate of Service (Appellees Sacco et al)
13.	21-Dec-2016	RECEIPT No.: ASC2016-01177 ; $140.00, Authorization: 55017462233, Applied to: MICHAEL SOTO, et al - Overpayment Class B ($140.00) Paid for: MICHAEL SOTO, et al - By Intresys Inc (Memo: Formset No 2033667)
14.	28-Dec-2016	LETTER - Return of Payment in the amount of $140.00, State of Arizona Warrant No. 101431 dated 12/28/2016 to Law Office of James Michael Abernethy PLLC for "Notice of Filing Acknowledgment of Oral Argument" filed by Appellant M. Soto (See Dkt No 10)
15.	3-Jan-2017	Justice Andrew W. Gould has recused himself and will not participate in argument or decision of the above captioned matter. Therefore, pursuant to Article 6, Section 3 of the Arizona Constitution, IT IS ORDERED that the Honorable Rebecca White Berch, Justice (Retired) of the Arizona Supreme Court, is designated to sit on the case and participate until the matter is finally determined. (Hon. John Pelander)
16.	23-Dec-2016	FILED: Remaining Record from CofA - MCSC: Exhibits: (List; 1 small white box) Hearing Date: 08/18/14 - [Pltf Exh Nos 1-28; Def Exh Nos 29-32] CofA: Instruments (1 part)
17.	3-Jan-2017	SENT: Letter to counsel re: parking for oral argument
18.	5-Jan-2017	FILED: Notice of Withdrawal of Counsel (Attorney Whitney M. Harvey no longer with firm); Certificate of Service (Appellees Sacco et al)
19.	10-Jan-2017	FILED: Plaintiff/Appellant Michael Soto's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant M. Soto)
20.	10-Jan-2017	FILED: Defendants'/Appellees' Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellees Sacco et al)
21.	11-Jan-2017	RECEIPT No.: ASC17-00027 ; $140.00, Check Number: 270908, Applied to: ANTHONY M. SACCO, et al - Class B Filing Fee ($140.00) Paid for: ANTHONY M. SACCO, et al - By Jones Skelton & Hochuli PLC
22.	12-Jan-2017	FILED: Defendants/Appellees' Notice of Clarification; Certificate of Service (Appellees Sacco et al)
23.	18-Jan-2017	FILED: Brief of Amicus Curiae State of Arizona; Certificate of Service; Certificate of Compliance (Amicus Curiae State of Arizona)
24.	18-Jan-2017	FILED: Notice of State's Right to File Amicus Curiae Brief (Amicus Curiae State of Arizona)
25.	20-Jan-2017	FILED: Brief of Amicus Curiae City of Phoenix in Support of Appellees; Certificate of Service; Certificate of Compliance (Amicus Curiae City of Phoenix)
26.	20-Jan-2017	FILED: Amicus Brief on Behalf of Arizona Association of Defense Counsel; Certificate of Service; Certificate of Compliance (Amicus Curiae Arizona Association of Defense Counsel)

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30 PROCEEDING ENTRIES

27.	20-Jan-2017	FILED: Motion for Leave to File Amicus Curiae Brief (Amicus Curiae Arizona Association of Defense Counsel)
28.	23-Jan-2017	A "Motion for Leave to File Amicus Curiae Brief" (Amicus Curiae Arizona Association of Defense Counsel) and the "Amicus Brief on Behalf of Arizona Association of Defense Counsel" were filed on January 20, 2017. After consideration, IT IS ORDERED granting the motion. The brief shall be filed as of the date of this order. (Hon. Robert M. Brutinel)
29.	24-Jan-2017	FILED: Untitled Exhibit (Appellant M. Soto)
30.	24-Jan-2017	ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: James M. Abernethy; Lori L. Voepel)

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