

Arizona Supreme Court
Civil Certification of Question

CV-22-0071-CQ

EVA CORNELL v DESERT FINANCIAL CREDIT UNION et al

Appellate Case Information

Case Filed: 15-Mar-2022
Case Closed:

Dept/Composition

En Banc

Hon. Robert Brutinel
Hon. Ann A. Scott Timmer
Hon. Clint Bolick
Hon. John R. Lopez
Hon. James P. Beene
Hon. William G. Montgomery
Hon. Kathryn H. King

Side 1. EVA CORNELL, Plaintiff

(Litigant Group) EVA CORNELL

- Eva Cornell

Attorneys for: Plaintiff

Cynthia C Albracht-Crogan, Esq. (AZ Bar No. 20336)
Kaysey Lauren Fung, Esq. (AZ Bar No. 32585)
Richard D McCune, Esq. (CA Bar No. 132124)
David C Wright, Esq. (CA Bar No. davidwright)
Emily J Kirk, Esq. (IL Bar No. emilykirk)
Steven Haskins, Esq. (CA Bar No. 238865)

Side 2. DESERT FINANCIAL CREDIT UNION, et al., Defendant

(Litigant Group) DESERT FINANCIAL CREDIT UNION, et al.

- Desert Financial Federal Credit Union

Attorneys for: Defendant

Brian A Cabianca, Esq. (AZ Bar No. 16410)
David Sean Norris, Esq. (AZ Bar No. 34309)
Lukas Landolt, Esq. (AZ Bar No. 34759)
Kaitlyn Hertzog, Esq. (AZ Bar No. 36181)

Side 3. CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA AND THE ARIZONA CHAMBER OF COMMERCE AND INDUSTRY, Amicus Curiae

(Litigant Group) CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA AND THE ARIZONA CHAMBER OF COMMERCE AND INDUSTRY

- US Chamber Of Commerce
- Arizona Chamber of Commerce and Industry

Attorneys for: Amicus Curiae

Karl M Tilleman, Esq. (AZ Bar No. 13435)
Jason D Sanders, Esq. (AZ Bar No. 18600)
Douglas D Janicik, Esq. (AZ Bar No. 21522)

CASE STATUS

Oct 12, 2022.....Submitted

May 3, 2022.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
AZFDC 2:21-cv-00835-DWL			Dominic W Lanza, Authoring Judge of Order		

30 PROCEEDING ENTRIES

1.	15-Mar-2022	FILED: Certification to the Arizona Supreme Court (Hon. Dominic W. Lanza, United States District Court for the District of Arizona)
2.	25-Mar-2022	SENT: Letter to Clerk of the US District Court District of Arizona re: Record Request
3.	25-Mar-2022	FILED: Record received from U.S. District Court, District of Arizona in 2:21-cv-00835-DWL
4.	3-May-2022	ORDERED: Certification to the Arizona Supreme Court = ACCEPTED Additionally, the parties should address the effect, if any, of the Arizona Electronic Transaction Act, A.R.S. §§ 44-7001 to -7061.
5.	11-May-2022	FILED: Motion for Procedural Order for Extension of Time to File Brief; Certificate of Service (Plaintiff Cornell)

Arizona Supreme Court
Civil Certification of Question

CV-22-0071-CQ

EVA CORNELL v DESERT FINANCIAL CREDIT UNION et al

30 PROCEEDING ENTRIES

6. 20-May-2022 On May 11, 2022, Plaintiff Cornell, filed a motion for an extension of time in which to file the supplemental briefs in this matter. After consideration,

IT IS ORDERED granting the motion. The deadline for the parties to file simultaneous supplemental briefs is extended to July 1, 2022.

IT IS FURTHER ORDERED that the deadline for any amicus briefs is extended to July 15, 2022, and the deadline for any responses to amicus briefs is extended to August 4, 2022. (Hon. Robert Brutinel)
7. 17-Jun-2022 NOTICE OF ORAL ARGUMENT: Set for Wednesday, October 12, 2022 at 1:30 P.M. [twenty (20) minutes per side]
8. 22-Jun-2022 FILED: Acknowledgement of Receipt (Brian Cabianca to Argue) (Defendant Desert Financial et al)
9. 27-Jun-2022 The Court having accepted jurisdiction of the Certified Questions and having set this matter for Oral Argument on Wednesday October 12, 2022 at 1:30 P.M.,

IT IS ORDERED that, pursuant to Rule of the Arizona Supreme Court 27(c), a filing fee of \$420.00 must be paid to the Arizona Supreme Court within 15 days. The payment of this filing fee shall be shared equally by the parties. (Tracie K. Lindeman, Clerk)
10. 22-Jun-2022 FILED: Acknowledgement of Receipt (Steve Haskins to Argue); Certificate of Service (Plaintiff Cornell)
11. 1-Jul-2022 FILED: Plaintiff Eva Cornell's Supplemental Brief; Certificate of Service; Certificate of Compliance (Plaintiff Cornell)
12. 1-Jul-2022 FILED: Supplemental Brief of Desert Financial Credit Union; Certificate of Service; Certificate of Compliance (Defendant Desert Financial et al)
13. 1-Jul-2022 FILED: Appendix to Supplemental Brief of Desert Financial Credit Union; Appendix Certificate of Service (Defendant Desert Financial et al)
14. 11-Jul-2022 RECEIPT No.: ASC2022-00674 ; \$210.00 Applied to: DESERT FINANCIAL CREDIT UNION, et al. - Certified Question Fee (\$210.00) Paid for: DESERT FINANCIAL CREDIT UNION, et al. - By nCourt LLC Portal (Memo: 1C11D18F-67C8-41D4-B08F-2486FCD89F64)
15. 11-Jul-2022 RECEIPT No.: ASC2022-00676 ; \$210.00 Applied to: EVA CORNELL - Certified Question Fee (\$210.00) Paid for: EVA CORNELL - By nCourt LLC Portal (Memo: 80AF04EC-88E1-4144-8EFF-AB3FF09889CB)
16. 11-Jul-2022 RECEIPT No.: ASC2022-00677 ; \$140.00, Authorization: 821757413839951455, Applied to: EVA CORNELL - Overpayment Class B (\$140.00) Paid for: EVA CORNELL - By nCourt LLC
17. 14-Jul-2022 FILED: Return of Payment in the amount of \$140.00, State of Arizona Warrant No. 112591 dated 7/13/2022 to McCune Wright Arevalo for "Acknowledgement of Receipt" filed by Plaintiff Cornell, (See Dkt No. 10)
18. 15-Jul-2022 FILED: Brief of the Chamber of Commerce of the United States of America and the Arizona Chamber of Commerce and Industry as Amici Curiae Supporting Defendant; Certificate of Service; Certificate of Compliance (Amici Curiae Chambers of Commerce)
19. 15-Jul-2022 FILED: Consent of all Parties (Amici Curiae Chambers of Commerce)
20. 23-Aug-2022 FILED: Letter to Cindy C. Albracht-Crogan (Counsel for Plaintiff Cornell) (Verification of Pro Hac Vice Status)
21. 26-Aug-2022 SENT: Letter to Clerk of the US District Court District of Arizona re: Additional Record Request
22. 31-Aug-2022 FILED: Additional Record received from U.S. District Court, District of Arizona in 2:21-cv-00835-DWL
23. 31-Aug-2022 SENT: Letter to Clerk of the US District Court District of Arizona re: Additional Record Request (Documents from Exhibit Lists requested)
24. 26-Sep-2022 FILED: Motion to Associate Counsel on a Temporary Basis Pending Approval of Pro Hac Vice Application; Certificate of Service; Proposed Order Granting Motion to Associate Counsel on a Temporary Basis Pending Approval of Pro Hac Vice Application (Plaintiff Cornell)
25. 27-Sep-2022 FILED: (Untitled) List of Exhibits to Motion to Associate Counsel of a Temporary Basis Pending Approval of Pro Hac Vice Application (Plaintiff Cornell)

Arizona Supreme Court
Civil Certification of Question

CV-22-0071-CQ

EVA CORNELL v DESERT FINANCIAL CREDIT UNION et al

30 PROCEEDING ENTRIES

26. 29-Sep-2022 Cindy C. Albracht-Crogan, having filed a "Motion to Associate Counsel on a Temporary Basis Pending Approval of Pro Hac Vice Application," asking that Steven A. Haskins be allowed to appear and participate in the above-referenced matter on a temporary basis, pursuant to Rule 39(a)(2), Arizona Rules of the Supreme Court,
- IT IS ORDERED granting the Motion and authorizing Steven A. Haskins to appear Pro Hac Vice before this Court in this matter pending completion of the full association process.
- IT IS FURTHER ORDERED that upon receipt of the State Bar's Notice of Receipt of Complete Application, Counsel will complete the association process set forth in Rule 39(a)(2)(E), Arizona rules of the Supreme Court. (Hon. Robert Brutinel)
27. 3-Oct-2022 FILED: Motion to Associate Counsel Pro Hac Vice; Certificate of Service; Exhibits 1 and 2 (Plaintiff Cornell)
28. 6-Oct-2022 Cynthia C Albracht-Crogan, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Steven Haskins be allowed to appear and participate in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39, Rules of the Supreme Court,
- IT IS ORDERED granting the Motion and authorizing Steven Haskins to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. Robert Brutinel)
29. 12-Oct-2022 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Brian A. Cabianca, Steven Haskins)
30. 17-Oct-2022 FILED: Notice of Firm Name Change; Certificate of Service (Plaintiff Cornell)