

**Arizona Supreme Court**  
**Civil Certification of Question**

**CV-21-0256-CQ**

**STAKER&PARSON COMPANIES v SCOTTSDALE INSURANCE CO**

**Appellate Case Information**

Case Filed: 22-Oct-2021  
 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. STAKER & PARSON COMPANIES, INC., Plaintiff**

(Litigant Group) STAKER & PARSON COMPANIES, INC.

- Staker and Parson Companies Inc

**Attorneys for: Plaintiff**

Rebecca L. Hill, Esq. (UT Bar No. 6246)  
 George W. Burbidge, II, Esq. (UT Bar No. 6503)  
 Timothy J Berg, Esq. (AZ Bar No. 4170)  
 Tyler Dixon Carlton, Esq. (AZ Bar No. 35275)

**Side 2. SCOTTSDALE INSURANCE COMPANY, Defendant**

(Litigant Group) SCOTTSDALE INSURANCE COMPANY

- Scottsdale Insurance Company

**Attorneys for: Defendant**

Mark L. Anderson, Esq. (UT Bar No. 5185)  
 Timothy J. Curtis, Esq. (AZ Bar No. 27873)

**CASE STATUS**

Jul 10, 2024.....Decision Rendered

Jan 4, 2022.....Oral Argument Granted

Oct 22, 2021.....Pending

**PREDECESSOR CASE (S)**

Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
UTFDC UTFDC 4:18-cv-00014-		David Nuffer, Hearing Paul Kohler, Hearing		

**CASE DECISION**

10-Jul-2024 **OPINION**

We answer the first certified question in the affirmative, the second and third certified questions in the negative, and the fourth certified question by outlining Arizona law regarding causation in the duty to defend context.

Filed: **10-Jul-2024** Mandate:

Decision Disposition
<b>Question Answered</b>

**James Beene**.....Author  
**Ann Timmer**.....Concur  
**John Lopez**.....Concur  
**Robert Brutinel**.....Concur  
**Clint Bolick**.....Concur  
**William Montgomery**.....Concur  
**Kathryn King**.....Concur

**24 PROCEEDING ENTRIES**

- 22-Oct-2021 FILED: Order Certifying Questions to the Arizona Supreme Court; Civil Docket for Case #: 4:18-cv-00014-DN-PK; Transmittal of Order of Certification (Hon. District Judge David Nuffer and Magistrate Judge Paul Kohler, United States District Court District of Utah)
- 26-Oct-2021 SENT: Letter to the Clerk of the United States District Court District of Utah re: Record Request
- 28-Oct-2021 FILED: Record received from U.S. District Court District of Utah No. 4:18cv00014 DN-PK

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4. 4-Jan-2022 ORDERED: Order Certifying Questions to the Arizona Supreme Court = ACCEPTED.
- 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, no later than 20 days from the date of this Court's Minute Letter. Any amicus briefs are due on or before 02/08/22 and any responses to amicus briefs are due on or before 03/01/22. Any amicus briefs or responses may not exceed 20 pages in length
- Formal Order to Follow.
5. 6-Jan-2022 On January 4, 2022, this Court accepted jurisdiction of the Certified Question. Therefore,
- IT IS ORDERED that the parties shall submit a filing fee, shared equally, of \$420.00 to the Arizona Supreme Court within five days. Payment can be made on nCourt here.
- IT IS FURTHER ORDERED counsel shall be advised of the date and time of oral argument at such time as the hearing date is determined. (Tracie K. Lindeman, Clerk)
6. 18-Jan-2022 FILED: Notice of Appearance; Certificate of Service (Plaintiff Staker & Parson Companies Inc)
7. 20-Jan-2022 RECEIPT No.: ASC2022-00066 ; \$210.00, Authorization: 103C9462-A94C-4A1C, Applied to: STAKER & PARSON COMPANIES, INC. - Certified Question Fee (\$210.00) Paid for: STAKER & PARSON COMPANIES, INC. - By nCourt LLC Portal (Memo: BBAE-FF235F72FF79 (Portal Payment))
8. 20-Jan-2022 RECEIPT No.: ASC2022-00067 ; \$210.00, Authorization: A210F981-F8D5-44B4, Applied to: SCOTTSDALE INSURANCE COMPANY - Certified Question Fee (\$210.00) Paid for: SCOTTSDALE INSURANCE COMPANY - By nCourt LLC Portal (Memo: AE07-5911C6E1675E (Portal Payment))
9. 24-Jan-2022 FILED: Scottsdale Insurance Company's Supplemental Brief; Certificate of Service of Scottsdale Insurance Company's Supplemental Brief; Certificate of Compliance (Defendant Scottsdale Insurance Company)
10. 24-Jan-2022 FILED: Notice (Defendant Scottsdale Insurance Company)
11. 25-Jan-2022 FILED: Plaintiff's Supplemental Brief and Appendix; Certificate of Service; Certificate of Compliance (Plaintiff Staker & Parson Companies Inc)
12. 26-Jan-2022 NOTICE OF ORAL ARGUMENT: Set for Thursday, March 10, 2022 at 10:15 A.M. [twenty minutes (20) per side]
13. 26-Jan-2022 FILED: Notice of Filing Acknowledgment of Oral Argument (Timothy Curtis will argue) (Defendant Scottsdale Insurance Company)
14. 28-Jan-2022 FILED: Letter to Timothy J. Berg and Tyler Dixon Carlton (Verification of Pro Hac Vice Status for Rebecca L. Hill and George W. Burbidge, II)
15. 31-Jan-2022 FILED: Motion for Procedural Order to Continue Oral Argument; Certificate of Service (Plaintiff Staker & Parson Companies Inc)
16. 8-Feb-2022 FILED: Motion to Associate Counsel Pro Hac Vice; Certificate of Service (Plaintiff Staker & Parson Companies Inc)
17. 9-Feb-2022 Timothy J. Berg, having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Rebecca Hill and George Burbidge 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 Rebecca Hill and George Burbidge 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)
18. 9-Feb-2022 On January 31, 2022, Plaintiff Staker & Parson Companies, Inc. filed a "Motion for Procedural Order to Continue Oral Argument." After consideration,
- IT IS ORDERED that the motion to continue oral argument is granted. The oral argument currently set for Thursday, March 10, 2022 at 10:15 a.m. has been rescheduled to Thursday, April 14, 2022 at 10:15 a.m.
- IT IS FURTHER ORDERED that the Clerk of the Court shall issue a notice with the rescheduled date and time. (Hon. Robert Brutinel)
19. 9-Feb-2022 NOTICE OF ORAL ARGUMENT: Set for Thursday, April 14, 2022 at 10:15 A.M. [twenty minutes (20) per side]
20. 14-Feb-2022 FILED: Notice of Filing Acknowledgment of Oral Argument (Timothy Berg will argue) (Plaintiff Staker & Parson Companies Inc)
21. 14-Feb-2022 FILED: Notice of Filing Acknowledgment of Oral Argument (Timothy Curtis will argue) (Defendant Scottsdale Insurance Company)

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- 22. 14-Apr-2022 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Timothy Berg, Timothy Curtis)
- 23. 15-Apr-2022 FILED: Notice of Authority; Certificate of Service (Plaintiff)
- 24. 10-Jul-2024 OPINION - We answer the first certified question in the affirmative, the second and third certified questions in the negative, and the fourth certified question by outlining Arizona law regarding causation in the duty to defend context. (Hon James P. Beene - Author; Hon. Ann A. Scott Timmer - Concur; Hon. John R. Lopez IV - Concur; Hon. Robert Brutinel - Concur; Hon. Clint Bolick - Concur; Hon William G. Montgomery - Concur; Hon. Kathryn H. King - Concur)