

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-23-0233-PR

ROAF v REBUCK CONSULTING, et al

Appellate Case Information

Case Filed: **6-Sep-2023** Archive on: 11-Jul-2034 (planned)
 Case Closed: **10-Jul-2024**

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. SHEROLD D. ROAF, Plaintiff/Appellee

(Litigant Group) SHEROLD D. ROAF

- Sherold D Roaf

Attorneys for: Plaintiff/Appellee

Timothy G Tonkin, Esq. (AZ Bar No. 20709)
 Steven J Jones, Esq. (AZ Bar No. 31438)
 David L Abney, Esq. (AZ Bar No. 9001)

Side 2. STEPHEN S. REBUCK CONSULTING, LLC, et al., Defendant/Appellant

(Litigant Group) STEPHEN S. REBUCK CONSULTING, LLC, et al.

- Stephen S Rebeck Consulting LLC
- Medstar Medical Transport
- Medstart Medical Transportation LLC
- Capstone Transportation Investments Inc
- Capstone Resources Inc
- Francisco J Celaya Ortiz

Attorneys for: Defendant/Appellant

William H Doyle, Esq. (AZ Bar No. 7285)
 Brandon D Millam, Esq. (AZ Bar No. 34696)
 Nathan Andrews, Esq. (AZ Bar No. 33293)

Side 3. ARIZONA MUNICIPAL RISK RETENTION POOL (AMRRP), Amicus Curiae

(Litigant Group) ARIZONA MUNICIPAL RISK RETENTION POOL (AMRRP)

- Arizona Municipal Risk Retention Pool

Attorneys for: Amicus Curiae

Kristin M Mackin, Esq. (AZ Bar No. 23985)
 William J Sims, III, Esq. (AZ Bar No. 10458)

Side 4. ARIZONA ASSOCIATION FOR JUSTICE, Amicus Curiae

(Litigant Group) ARIZONA ASSOCIATION FOR JUSTICE

- Arizona Association for Justice

Attorneys for: Amicus Curiae

Daniel Rubinov, Esq. (AZ Bar No. 35653)
 Rafat H Abdeljaber, Esq. (AZ Bar No. 35774)
 Christian Lorenz, Esq. (AZ Bar No. 38621)

Side 5. ARIZONA ASSOCIATION OF DEFENSE COUNSEL, Amicus Curiae

(Litigant Group) ARIZONA ASSOCIATION OF DEFENSE COUNSEL

- Arizona Association of Defense Counsel

Attorneys for: Amicus Curiae

Amanda E Heitz, Esq. (AZ Bar No. 26519)
 Lauren Lynnae Walter, Esq. (AZ Bar No. 37677)

CASE STATUS

Jul 10, 2024.....Case Closed

Jun 25, 2024.....Decision Rendered

Feb 6, 2024.....Oral Argument Granted

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CV 22-0620				
↪ MAR	CV2019-003654	Personal Injury	Timothy J Thomason, Authoring Judge of Order Comments: (none)		

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CASE DECISION

25-Jun-2024 **OPINION**

* Under the circumstances of this case, evidence regarding Medstar's liability for negligent hiring should not have been admitted, and Medstar suffered prejudice because of its erroneous admission. We vacate the court of appeals' memorandum decision, and

Filed: **25-Jun-2024** Mandate: **11-Jul-2024**

Decision Disposition
<p>CofA Vacated Reversed Remanded</p>

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

32 PROCEEDING ENTRIES

1. 6-Sep-2023 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Memorandum Decision (Appellants Rebeck Consulting, et al.)
2. 6-Sep-2023 FILED: Appendix A & B; Certificate of Service (Appellants Rebeck Consulting, et al.)
3. 8-Sep-2023 FILED: Record From CofA: Link to Electronic Record
4. 15-Sep-2023 RECEIPT No.: 2023-00635 ; \$280.00, Authorization: 8649911897276877, Applied to: SHEROLD D. ROAF - Class A Filing Fee (\$280.00) Paid for: SHEROLD D. ROAF - By nCourt LLC
5. 15-Sep-2023 RECEIPT No.: 2023-00637 ; \$280.00, Authorization: 8649911897276877, Applied to: STEPHEN S. REBUCK CONSULTING, LLC, et al. - Class A Filing Fee (\$280.00) Paid for: STEPHEN S. REBUCK CONSULTING, LLC, et al. - By nCourt LLC (Memo: Replaces 2023-00635. Wrong Paid For)
6. 15-Sep-2023 VOID RECEIPT No.: 2023-00635 - \$-280.00, Authorization: 8649911897276877, - Applied to: SHEROLD D. ROAF - Class A Filing Fee (\$-280.00) Paid for: SHEROLD D. ROAF - By: nCourt LLC VOID Reason: Incorrect Paid For information. Replaced by 2023-00637. (tkl)
7. 3-Oct-2023 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellee Roaf)
8. 10-Oct-2023 RECEIPT No.: 2023-00659 ; \$140.00, Authorization: 8210299082705721, Applied to: SHEROLD D. ROAF - Class B Filing Fee (\$140.00) Paid for: SHEROLD D. ROAF - By nCourt LLC
9. 24-Oct-2023 FILED: Amicus Curiae Brief of Arizona Municipal Risk Retention Pool; Certificate of Service; Certificate of Compliance (Amicus Curiae)
10. 24-Oct-2023 FILED: Motion for Leave to File Amicus Curiae Brief of Arizona Municipal Risk Retention Pool (Amicus AMRRP)
11. 25-Oct-2023 A "Motion for Leave to File Amicus Curiae Brief of Arizona Municipal Risk Retention Pool" and the brief of amicus curiae were filed on October 24, 2023. After consideration,

IT IS ORDERED the "Motion for Leave to File Amicus Curiae Brief of Arizona Municipal Risk Retention Pool" is granted. The brief shall be filed as of October 24, 2023. (Hon. Clint Bolick)
12. 13-Nov-2023 FILED: Response to Amicus Curiae Brief of Arizona Municipal Risk Retention Pool; Certificate of Service; Certificate of Compliance (Appellee Roaf)
13. 4-Jan-2024 ORDERED: Petition for Review = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Roaf) = CONTINUED.

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14. 6-Feb-2024 ORDERED: Petition for Review = GRANTED as to the following re-phrased question:
- “Did the Court of Appeals err by finding no prejudicial error in allowing Roaf to proceed against Medstar on separate claims of negligent hiring and vicarious liability when Medstar admitted it was vicariously liable for its employee’s negligence and when Roaf is not seeking punitive damages against Medstar?”
- 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 February 20, 2024. Any amicus briefs are due on or before February 27, 2024 and any responses to amicus briefs are due on or before March 6, 2024. Any amicus briefs or responses may not exceed 20 pages in length.
- FURTHER ORDERED: Request for Attorneys' Fees (Appellee Roaf) = CONTINUED.
15. 8-Feb-2024 NOTICE OF ORAL ARGUMENT: Set for Thursday, March 14, 2024 at 10:45 A.M. [twenty (20) minutes per side]
16. 12-Feb-2024 FILED: Notice of Acknowledgment of Oral Argument (William H. Doyle will argue) (Appellants Rebeck Consulting, et al.)
17. 9-Feb-2024 FILED: Notice of Acknowledgment of Oral Argument (David L. Abney will argue) (Appellee Roaf)
18. 16-Feb-2024 FILED: Appellants' Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellants Rebeck Consulting, et al.)
19. 20-Feb-2024 FILED: Plaintiff/Appellee Sherold D. Roaf's Simultaneous Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee Roaf)
20. 27-Feb-2024 FILED: Arizona Municipal Risk Retention Pool Supplemental Amicus Curiae Brief; Certificate of Service; Certificate of Compliance (Amicus AMRRP)
21. 27-Feb-2024 FILED: Brief of Amicus Curiae Arizona Association for Justice; Certificate of Service; Certificate of Compliance (Amicus AzAJ)
22. 27-Feb-2024 FILED: Consent of all Parties (Amicus AzAJ)
23. 27-Feb-2024 FILED: Certificate of Compliance; Certificate of Service (Amicus AADC)
24. 27-Feb-2024 FILED: Motion to File Amicus Curiae Brief on Behalf of Arizona Association of Defense Counsel; Certificate of Service; Amicus Curiae Brief on Behalf of Arizona Association of Defense Counsel; Certificate of Service (Amicus AADC)
25. 29-Feb-2024 A “Motion to File Amicus Curiae Brief on Behalf of Arizona Association of Defense Counsel” (Amicus AADC) and the brief of amicus curiae were filed on February 27, 2024. After consideration,
- IT IS ORDERED the “Motion to File Amicus Curiae Brief on Behalf of Arizona Association of Defense Counsel” is granted. The brief shall be filed as of February 27, 2024. (Hon. Robert Brutinel)
26. 6-Mar-2024 RECEIVED: Record from CofA: Electronic Record
27. 6-Mar-2024 FILED: Appellants' Response to Amicus Curiae Brief of Arizona Association for Justice; Certificate of Service; Certificate of Compliance (Appellants Rebeck Consulting, et al.)
28. 14-Mar-2024 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: William H. Doyle, David L. Abney)
29. 8-Apr-2024 FILED: Plaintiff/Appellee Sherold D. Roaf's Supplemental Citation of Legal Authority; Certificate of Service (Appellee Roaf)
30. 25-Jun-2024 OPINION - Under the circumstances of this case, evidence regarding Medstar’s liability for negligent hiring should not have been admitted, and Medstar suffered prejudice because of its erroneous admission. We vacate the court of appeals’ memorandum decision, and we reverse and remand to the trial court for a new trial. (Hon. Robert Brutinel - Author; Hon. Ann A. Scott Timmer - Concur; Hon. Clint Bolick - Concur; Hon. John R. Lopez IV - Concur; Hon James P. Beene - Concur; Hon. William G. Montgomery - Concur; Hon. Kathryn H. King - Concur)
31. 10-Jul-2024 ----CASE STATISTICALLY TERMINATED----
32. 11-Jul-2024 MANDATE TO THE SUPERIOR COURT
- Issued Mandate and copy of Opinon to the trial court.