

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0429

CHALMERS v. EAST VALLEY, et al.

Appellate Case Information

Case Filed: 8-Jul-2022
Case Closed: 29-Aug-2024

Decision

Dept/Composition

Department B

Hon. Jennifer M Perkins
Hon. Angela K Paton
Hon. D Steven Williams

Side 1. In the Matter of the Conservatorship of:

WILLIAM JOHN CHALMERS,

An Adult., Plaintiff/Appellee

(Litigant Group) WILLIAM JOHN CHALMERS

- William John Chalmers

Attorneys for: Plaintiff/Appellee

David L Abney, Esq. (AZ Bar No. 9001)

Side 2. EAST VALLEY FIDUCIARY SERVICES, INC., et al., Defendant/Appellant

(Litigant Group) EAST VALLEY FIDUCIARY SERVICES, INC., et al.

- East Valley Fiduciary Services Inc

Attorneys for: Defendants/Appellants

Eileen Dennis GilBride, Esq. (AZ Bar No. 9220)

- Brian J Theut
AZ Bar No. 14277
[Current Member]
Admitted 10/24/92

- Ryan M Scharber
AZ Bar No. 27211
[Current Member]

- John M McKindles
AZ Bar No. 6401
[Current Member]
Admitted 10/4/80

- Michael Bogle

- Andrew C Stone
AZ Bar No. 26543
[Current Member]
Admitted 11/6/08

CASE STATUS

Aug 29, 2024...Case Closed

| PREDECESSOR CASE (S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|----------------------|--|-------------------|---|-------|-------|
| MAR PB2017-001373 | Petition for Appointment of Permanent Conservator for an Adult | | Thomas Marquoit, Authoring Judge of Order | | |

| DESCENDENT CASE (S) |
|---------------------|
| ASC CV-23-0263-PR |

CASE DECISION

21-Sep-2023 OPINION

Amended Per Order Filed 9-27-2023

Filed: **21-Sep-2023**

Mandate:

Jennifer Perkins.....Author
Angela Paton.....Concur
D Williams.....Dissent

| |
|-------------------------|
| Decision Disposition |
| Affirmed in Part |
| Vacated |
| Remanded in Part |

34 PROCEEDING ENTRIES

1. 8-Jul-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/10/22

Court of Appeals, Division One**Civil Appeal****1 CA-CV 22-0429****CHALMERS v. EAST VALLEY, et al.****34 PROCEEDING ENTRIES**

2. 8-Jul-2022 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 8-Jul-2022 FILED: Additional Record on Appeal: Exhibits: Hearing Date 08/18/2017 - List # 1 3 4 5 6 9 10 11 12 13 14 16 17 in Manila Envelope; Hearing Date 08/29/2017 - List # 1 3 in Manila Envelope; Hearing Date 10/17/2017 - List # 1 2 3 6 in Manila Envelope; Hearing Date 05/17/2018 - List # 1 2 in Manila Envelope
4. 11-Jul-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 13-Jul-2022 FILED: Notice of Appearance of Attorney David L. Abney; Certificate of Service for Notice of Appearance of Attorney David L. Abney (Appellee)
6. 19-Jul-2022 RECEIPT No.: 2022-00775 ; \$140.00, Authorization: #00005052046, Applied to: WILLIAM JOHN CHALMERS - Class B Filing Fee (\$140.00) Paid for: Ahwatukee Legal Office PC - By nCourt LLC
7. 21-Jul-2022 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
8. 21-Jul-2022 FILED: Motion to Correct Court of Appeals Docket; Certificate of Service (Appellant)
9. 25-Jul-2022 ORDERED: Motion to Correct Court of Appeals Docket (Appellant) = GRANTED and amending docket in appeal by adding Mike Bogle and Andrew Stone as defendants/appellants. Melina Brill ProTem Judge - Author
10. 26-Jul-2022 RECEIPT No.: 2022-00794 ; \$280.00, Authorization: #07009834542, Applied to: EAST VALLEY FIDUCIARY SERVICES, INC., et al. - Class A Filing Fee (\$280.00) Paid for: Jones Skelton & Hochuli PLC - By nCourt LLC
11. 29-Jul-2022 FILED: Case Management Statement (Appellant)
12. 5-Aug-2022 FILED: Appellate Clerk Notice re: Appellant's Brief Due
13. 30-Aug-2022 FILED: Unopposed Motion for Procedural Order for Two-Week Extension of Time to File Opening Brief; Certificate of Service (Appellant)
14. 31-Aug-2022 ORDERED: Unopposed Motion for Procedural Order for Two-Week Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 09-09-2022 to Friday, 09-23-2022. If brief is not timely filed, court will dismiss appeal. Melina Brill ProTem Judge - Author
15. 13-Sep-2022 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
16. 23-Oct-2022 FILED: Answering Brief; Certificate of Compliance for Answering Brief; Certificate of Service for Answering Brief (Appellee)
17. 3-Nov-2022 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
18. 9-Nov-2022 FILED: Motion for Oral Argument; Certificate of Service for Motion for Oral Argument (Appellee)
19. 22-Nov-2022 ORDERED: Motion for Oral Argument (Appellee) = GRANTED. Hon Kent E Cattani - Author
20. 29-Nov-2022 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21. 9-Dec-2022 FILED: Supplemented Superior Court e-Record with Revised Index of Record
22. 5-Jan-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 1-31-23, 09:30 am, COURTROOM 1.
23. 6-Jan-2023 FILED: Notice of Oral Argument
24. 9-Jan-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Eileen GilBride on 01/06/2023 (Appellant)
25. 14-Jan-2023 FILED: Return Receipt for Notice of Oral Argument, signed by David Abney on 01/06/2023 (Appellee)
26. 6-Feb-2023 FILED: Sign-in Sheet/Case is Under Advisement as of 01/31/2023
27. 26-Jul-2023 FILED: Supplemental Citation of Authority; Certificate of Service (Appellant)
28. 21-Sep-2023 OPINION (Affirmed in Part, Vacated, Remanded in Part) Hon Jennifer M Perkins - Author; Hon Angela K Paton - Concur; Hon D Steven Williams - Dissent
29. 21-Sep-2023 FILED: Opinion Distribution List

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Civil Appeal

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- 30. 27-Sep-2023 ORDERED: Directing the Clerk of this court to amend, by interlineation, paragraph number 30, lines 2 and 3 of the Opinion by: amending the statute referenced from § 14-1509 to § 14-5109. FURTHER ORDERED: Directing the Clerk of this court to amend, by interlineation, paragraph number 30, lines 5 and 7 of the Opinion by: amending the statute referenced from § 14-1510 to § 14-5110. Hon Jennifer M Perkins - Author
- 31. 23-Oct-2023 FILED: Email Notice from ASC re: Petition for Review filed 10/20/2023; request for partial record
- 32. 23-Oct-2023 FILED: Letter forwarding partial record to Arizona Supreme Court
- 33. 23-Aug-2024 FILED: Letter from ASC, 8/20/24, re: Petition for Review GRANTED on 8/20/24
- 34. 29-Aug-2024 FILED: Copy of Letter forwarding complete record to ASC