

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0282

STATE FARM v. FRANK

Appellate Case Information

Case Filed: 25-May-2023

Case Closed:

Dept/Composition

Department D

Hon. David D Weinzweig
Hon. Michael S Catlett
Hon. Maria Elena Cruz

Side 1. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, Plaintiff/Appellee

(Litigant Group) STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

- State Farm Mutual Automobile Insurance Company

Attorneys for: Plaintiff/Appellee

Joel DeCiancio, Esq. (AZ Bar No. 19732)
Christopher Robbins, Esq. (AZ Bar No. 11064)

Side 2. KAREN EGAN FRANK, Defendant/Appellant

(Litigant Group) KAREN EGAN FRANK

- Karen Egan Frank

Co-Counsel for:Defendant/Appellant

Mick Levin, Esq. (AZ Bar No. 21891)
Joseph Erlichman, Esq. (AZ Bar No. 2186)

CASE STATUS

Apr 29, 2024....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2021-019129, Declaratory Judgment, Joan M Sinclair, Authoring Judge of Order.

Table with 2 columns: DESCENDENT CASE(S), Cause/Charge/Class. Row 1: ASC, CV-24-0090-PR.

CASE DECISION

21-Mar-2024 OPINION

Michael Catlett.....Author
David Weinzweig.....Concur
Maria Cruz.....Concur

Filed: 21-Mar-2024 Mandate:

Table with 1 column: Decision Disposition. Rows: Affirmed in Part, Vacated, Remanded in Part.

30 PROCEEDING ENTRIES

- 1. 25-May-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/28/23
2. 25-May-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 25-May-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 25-May-2023 FILED: Appellant's Notice of Payment of Filing Fee; Certificate of Service (Appellant)
5. 31-May-2023 RECEIPT No.: 2023-00482 ; \$280.00, Authorization: #51009225884, Applied to: KAREN EGAN FRANK - Class A Filing Fee (\$280.00) Paid for: Mick Levin PLC - By nCourt LLC
6. 5-Jun-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
7. 13-Jun-2023 FILED: Notice of Payment of Filing Fee for Appellee State Farm Mutual Automobile Ins. Co.; Certificate of Service of Notice of Payment of Filing Fee for Appellee State Farm Mutual Automobile Ins. Co. (Appellee)
8. 14-Jun-2023 FILED: Case Management Statement (Appellant)
9. 16-Jun-2023 RECEIPT No.: 2023-00532 ; \$140.00, Authorization: #67006112885, Applied to: STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY - Class B Filing Fee (\$140.00) Paid for: Hill Hall & DeCiancio PLC - By nCourt LLC

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0282****STATE FARM v. FRANK****30 PROCEEDING ENTRIES**

10. 24-Jul-2023 FILED: Defendant/Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
11. 16-Aug-2023 FILED: Appellee's Answering Brief; Certificate of Compliance for Appellee's Answering Brief; Certificate of Service for Appellee's Answering Brief (Appellee)
12. 22-Aug-2023 FILED: Motion to Extend Time to File Appellant's Reply Brief; Certificate of Service; Order to Extend Time (Proposed Order) (Appellant)
13. 23-Aug-2023 ORDERED: Motion to Extend Time to File Appellant's Reply Brief (Appellant) = GRANTED and extending the time to file the reply brief from 09/05/2023 to 09/25/2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
14. 25-Sep-2023 FILED: Defendant/Appellant's Opening [sic] Brief (Reply Brief); Certificate of Compliance; Certificate of Service (Appellant)
15. 2-Oct-2023 FILED: Request for Oral Argument; Certificate of Service (Appellant)
16. 5-Oct-2023 FILED: State Farm's Motion to Strike Portions of Reply Brief; Certificate of Service for State Farm's Motion to Strike Portions of Reply Brief (Appellee)
17. 13-Oct-2023 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author
18. 25-Oct-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 12-6-23, 09:30 am, COURTROOM 2.
19. 30-Oct-2023 FILED: Notice of Oral Argument
20. 31-Oct-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Christopher Robbins on 10/30/2023 (Appellee)
21. 6-Nov-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Mick Levin on 10/30/2023 (Appellant)
22. 6-Dec-2023 FILED: Sign-in Sheet/Case is Under Advisement as of 12/06/2023
23. 7-Dec-2023 FILED: Appellant's Motion for Supplemental Briefing; Certificate of Service (Appellant)
24. 18-Dec-2023 FILED: State Farm's Response to Appellant's Motion for Supplemental Briefing; Certificate of Service for State Farm's Response to Appellant's Motion for Supplemental Briefing (Appellee)
25. 21-Mar-2024 OPINION (Affirmed in Part, Vacated, Remanded in Part) Hon Michael S Catlett - Author; Hon David D Weinzweig - Concur; Hon Maria Elena Cruz - Concur
26. 21-Mar-2024 FILED: Decision Distribution Notification
27. 4-Apr-2024 FILED: State Farm's Motion for Reconsideration of those Portions of the Court's Opinion Addressing the Umbrella Policy; Certificate of Compliance for State Farm's Motion for Reconsideration of those Portions of the Court's Opinion Addressing the Umbrella Policy; Certificate of Service for State Farm's Motion for Reconsideration of those Portions of the Court's Opinion Addressing the Umbrella Policy (Appellee)
28. 15-Apr-2024 ORDERED: State Farm's Motion for Reconsideration of those Portions of the Court's Opinion Addressing the Umbrella Policy (Appellee) = DENIED. Hon Michael S Catlett - Author
29. 29-Apr-2024 FILED: Email Notice from ASC re: Petition for Review filed 04/29/2024; request for partial record
30. 1-May-2024 FILED: Letter forwarding partial record to Arizona Supreme Court