

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0309

SCHAPKER v. KETZLER-NAUGHTON et al

Appellate Case Information

Case Filed: 1-Jun-2023

Case Closed:

Dept/Composition

Department B

Hon. Andrew M Jacobs
Hon. Jennifer M Perkins
Hon. David D Weinzweig

Side 1. ALAN SCHAPKER, Plaintiff/Appellee

(Litigant Group) ALAN SCHAPKER

- Alan Schapker

Co-Counsel for: Plaintiff/Appellee

William G Klain, Esq. (AZ Bar No. 15851)
George H King, Esq. (AZ Bar No. 13287)
Zachary W Rosenberg, Esq. (AZ Bar No. 33719)
Andrew J. Wenker, Esq. (AZ Bar No. 34719)
Renee M Coury, Esq. (AZ Bar No. 16046)

Side 2. ELIZABETH KETZLER-NAUGHTON, Defendant/Appellant

(Litigant Group) ELIZABETH KETZLER-NAUGHTON et al

- Elizabeth Ketzler-Naughton
Josephine Naughton

Attorneys for: Defendant/Appellant

H Micheal Wright, Esq. (AZ Bar No. 4277)
Lincoln M Wright, Esq. (AZ Bar No. 20076)

Side 3. BETHANY WOMENS HEALTHCARE, P.C., Defendant/Appellee

(Litigant Group) BETHANY WOMENS HEALTHCARE, P.C.

[Removed per 06/21/2023 order - mao]

CASE STATUS

Aug 20, 2024...Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2019-002654, Declaratory Judgment, Dewain D Fox, Authoring Judge of Order.

2 OPEN DUE DATES

Motion for Reconsideration due

Due By: Wednesday, September 4, 2024

Re: MEMORANDUM DECISION (Affirmed in Part, Reversed in Part) Hon Andrew M Jacobs - Author; Hon Jennifer M Perkins - Concur; Hon David D Weinzweig - Concur

Petition for Review to ASC due

Due By: Thursday, September 19, 2024

Re: MEMORANDUM DECISION (Affirmed in Part, Reversed in Part) Hon Andrew M Jacobs - Author; Hon Jennifer M Perkins - Concur; Hon David D Weinzweig - Concur

CASE DECISION

20-Aug-2024 MEMORANDUM DECISION

Andrew Jacobs.....Author
Jennifer Perkins.....Concur
David Weinzweig.....Concur

Filed: 20-Aug-2024 Mandate:

Table with 1 column: Decision Disposition. Row 1: Affirmed in Part, Reversed in Part.

37 PROCEEDING ENTRIES

- 1. 1-Jun-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/04/23
2. 1-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 2-Jun-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due

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4. 5-Jun-2023 FILED: Notice of Paying Filing Fee; Certificate of Service (Appellant)
5. 9-Jun-2023 RECEIPT No.: 2023-00510 ; \$280.00, Authorization: #60010534391, Applied to: ELIZABETH NAUGHTON - Class A Filing Fee (\$280.00) Paid for: Udall Shumway PLC - By nCourt LLC
6. 19-Jun-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
7. 19-Jun-2023 FILED: Amended Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
8. 20-Jun-2023 FILED: Case Management Statement (Appellant)
9. 21-Jun-2023 ORDERED: Amending the caption and docket in this appeal by removing Bethany Womens Healthcare, P.C. as an appellee, adding Josephine Naughton as an appellant, and correcting Elizabeth Ketzler-Naughton's name. The caption shown on this order shall be used on all future documents filed in this appeal. Melina Brill ProTem Judge - Author
10. 23-Jun-2023 FILED: Notice of Paying Filing Fee; Certificate of Service (Appellee)
11. 30-Jun-2023 RECEIPT No.: 2023-00575 ; \$140.00, Authorization: # 81003563273, Applied to: ALAN SCHAPKER - Class B Filing Fee (\$140.00) Paid for: Lang & Klain PC - By nCourt LLC
12. 25-Jul-2023 FILED: Notice of Filing Transcripts; Certificate of Service; Reporter's Transcript - 03/18/2021 - Oral Argument (Jennifer Naus); Reporter's Transcript - 11/18/2022 - Oral Argument (Jennifer Naus) (Appellant)
13. 27-Jul-2023 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
14. 27-Jul-2023 FILED: Appendix to Appellants' Opening Brief (Appellant)
15. 8-Aug-2023 FILED: Stipulation to Extend Time to File Answering Brief; Certificate of Service (Appellee)
16. 9-Aug-2023 ORDERED: Stipulation to Extend Time to File Answering Brief (Appellee) = DENIED. Melina Brill ProTem Judge - Author
17. 11-Aug-2023 FILED: Stipulation to Extend Time to File Answering Brief; Certificate of Service (Appellee)
18. 11-Aug-2023 ORDERED: Stipulation to Extend Time to File Answering Brief (Appellee) = DENIED. Melina Brill ProTem Judge - Author
[Vacated Per Order Filed 8/14/23]
19. 14-Aug-2023 ORDERED: Vacating the 8/11/23 order denying the motion to extend time. FURTHER ORDERED: Extending the time to file the answering brief to 9/29/23. Barbara Vidal Vaught ProTem Judge - Author
20. 29-Sep-2023 FILED: Response to Opening Brief (Answering Brief); Certificate of Compliance; Certificate of Service (Appellee)
21. 19-Oct-2023 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
22. 20-Oct-2023 FILED: Request for Oral Argument; Certificate of Service (Appellee)
23. 30-Oct-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
24. 9-Nov-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
25. 15-Nov-2023 ORDERED: Request for Oral Argument (Appellee) = GRANTED. Hon David B Gass - Author
26. 24-Nov-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 1-30-24, 09:30 am, COURTROOM 2.
27. 27-Nov-2023 FILED: Notice of Oral Argument
28. 28-Nov-2023 FILED: Return Receipt for Notice of Oral Argument, signed by H. Michael Wright on 11/27/2023 (Appellant)
29. 30-Nov-2023 FILED: Notice of Change of Firm and Address; Certificate of Service (Appellee)
30. 12-Dec-2023 FILED: Return Receipt for Notice of Oral Argument, signed by George King on 11/27/2023 (Appellee)
31. 12-Dec-2023 FILED: Notice of Change of Name of Law Firms; Certificate of Service (Appellee)
32. 28-Dec-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Renee Coury on 11/28/2023 (Appellee)
33. 22-Jan-2024 FILED: Motion to Continue Oral Argument Scheduled for January 30, 2024 Unopposed as to a Brief Continuance; Certificate of Service (Appellee)

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37 PROCEEDING ENTRIES

- 34. 23-Jan-2024 ORDERED: Motion to Continue Oral Argument Scheduled for January 30, 2024 Unopposed as to a Brief Continuance (Appellee) = GRANTED. FURTHER ORDERED: Vacating conference on this case currently set for 01/30/2024 and resetting same to 02/20/2024. FURTHER ORDERED: Vacating oral argument currently set on 01/30/2024 and resetting same to 02/20/2024, at 10:45 a.m. before Department B, Courtroom 2 (see order). Hon Andrew M Jacobs - Author
- 35. 22-Feb-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 02/20/2024
- 36. 20-Aug-2024 MEMORANDUM DECISION (Affirmed in Part, Reversed in Part) Hon Andrew M Jacobs - Author; Hon Jennifer M Perkins - Concur; Hon David D Weinzweig - Concur
- 37. 20-Aug-2024 FILED: Decision Distribution Notification