

Court of Appeals, Division One

Civil Appeal

1 CA-CV 25-0183

PELCHAT v. BANNER HEALTH, et al.

Appellate Case Information

Case Filed: 5-Mar-2025

Case Closed: 12-Jan-2026

Reinstated x 1: 13-Jan-2026 Decision

Re-Closed:

Dept/Composition

Department B

Hon. Jennifer M Perkins
Hon. Andrew J Becke
Hon. Daniel J Kiley

Side 1. SHERRI PELCHAT, Plaintiff/Appellant

(Litigant Group) SHERRI PELCHAT

- Sherri Pelchat

Attorneys for: Plaintiff/Appellant

Nakisa M Azizi, Esq. (AZ Bar No. 32978)

Side 2. BANNER HEALTH, et al., Defendant/Appellee

(Litigant Group) BANNER HEALTH, et al.

- Banner Health
Banner Boswell Medical Center
Banner Medical Group
Peter Fine
Rebecca Kuhn
Majorie Bessel
Leigh Sydney Holdsworth
Joseph L Peters
Jed Mohammad Bay Asi
Jawad Jasser Issa Abukhalaf
Jorie Cantrell
Tasha Nicole McNutt

Attorneys for: Defendants/Appellees Banner

Elizabeth A Petersen, Esq. (AZ Bar No. 18377)
Kaitlin Frances Secker, Esq. (AZ Bar No. 35679)

(Litigant Group) Matthew Ryan Stapleton

- Matthew Ryan Stapleton

Attorneys for: Defendant/Appellee Stapleton

Jay A Fradkin, Esq. (AZ Bar No. 6864)
Kelley M Jancaitis, Esq. (AZ Bar No. 25555)

CASE STATUS

Jan 13, 2026....Reinstated Case

Jan 2, 2026.....Pending in ASC

PREDECESSOR CASE(S)

Table with 6 columns: MAR, CV2024-050296, Medical Malpractice, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo

DESCENDENT CASE(S)

ASC CV-26-0002-PR

CASE DECISION

24-Nov-2025 MEMORANDUM DECISION

Vacated

Amended Per Order Filed 12-19-2025 [vacated per order filed 01/13/2026]



Andrew Becke.....Author
Jennifer Perkins.....Concur
Daniel Kiley.....Concur

Filed: 24-Nov-2025

Mandate:

Decision Disposition

Affirmed in Part
Vacated in Part
Remanded

40 PROCEEDING ENTRIES

- 1. 5-Mar-2025 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/20/25

Court of Appeals, Division One**Civil Appeal****1 CA-CV 25-0183****PELCHAT v. BANNER HEALTH, et al.****40 PROCEEDING ENTRIES**

2. 5-Mar-2025 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 5-Mar-2025 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 7-Mar-2025 FILED: Notice of Appearance; Certificate of Service (Appellee Stapleton)
5. 7-Mar-2025 FILED: Amended Notice of Appearance; Certificate of Service (Appellee Stapleton)
6. 12-Mar-2025 RECEIPT No.: 2025-00247 ; \$165.00, Authorization: # 71010200882, Applied to: Matthew Ryan Stapleton - Class B Filing Fee (\$165.00) Paid for: Broening Oberg Woods & Wilson PC - By nCourt, LLC
7. 12-Mar-2025 FILED: Appellant's Notice of Filing Transcripts; Reporter's Transcript - 05/29/2024 - Oral Argument (Susan D Bingham); Reporter's Transcript - 11/13/2024 Oral Argument (Susan D Bingham) (Appellant)
8. 14-Mar-2025 FILED: Case Management Statement (Appellant)
9. 17-Mar-2025 RECEIPT No.: 2025-00257 ; \$330.00, Authorization: #76018372720, Applied to: SHERRI PELCHAT - Class A Filing Fee (\$330.00) Paid for: Black Canyon Law PLLC - By nCourt LLC
10. 24-Mar-2025 FILED: Appellate Clerk Notice re: Appellee Banner Health, et al.'s Fee Due; Appellee Matthew Ryan Stapleton's Filing Fee of \$165.00 was paid on 03/12/2025 ; Appellant's Brief/Case Management Statement Due
11. 24-Mar-2025 FILED: Settlement Conference Program Notice
12. 25-Mar-2025 FILED: Banner Health Defendants/Appellees' Notice of Payment of Appellees' Filing Fee; Certificate of Service (Appellees Banner)
13. 28-Mar-2025 RECEIPT No.: 2025-00323 ; \$165.00, Authorization: #87012064692, Applied to: BANNER HEALTH, et al. - Class B Filing Fee (\$165.00) Paid for: Slattery Petersen PLLC - By nCourt LLC
14. 5-May-2025 FILED: Opening Brief of Plaintiff/Appellant Sherri Pelchat; Certificate of Compliance; Certification of Service (Appellant)
[stricken per order filed 05/06/2025]
15. 6-May-2025 ORDERED: Striking the opening brief filed on 05/05/2025. FURTHER ORDERED: A replacement opening brief that complies with the Arizona Rules of Civil Appellate Procedure must be filed by 05/16/2025. If a replacement brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
16. 6-May-2025 FILED: Opening Brief of Plaintiff/Appellant Sherri Pelchat; Certificate of Compliance; Certification of Service (Appellant)
17. 16-Jun-2025 FILED: Joint Answering Brief; Certificate of Compliance; Certificate of Service (Appellee Stapleton)
18. 7-Jul-2025 FILED: Reply Brief of Plaintiff/Appellant Sherri Pelchat; Certificate of Compliance; Certification of Service (Appellant)
19. 16-Jul-2025 FILED: Request for Oral Argument; Certification of Service (Appellant)
20. 6-Aug-2025 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Randall M Howe - Author
21. 18-Aug-2025 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
22. 28-Aug-2025 FILED: Supplemented Superior Court e-Record with Revised Index of Record
23. 30-Sep-2025 CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 11-6-25, 10:15 am, COURTROOM 1.
24. 17-Oct-2025 FILED: Notice of Oral Argument
25. 17-Oct-2025 FILED: Return Receipt for Notice of Oral Argument, signed by Kelley M. Jancaitis on 10/17/2025 (Appellee Stapleton)
26. 17-Oct-2025 FILED: Return Receipt for Notice of Oral Argument, signed by Elizabeth A. Petersen on 10/17/2025 (Appellee Banner)
27. 25-Oct-2025 FILED: Return Receipt for Notice of Oral Argument, signed by Nakisa Azizi on 10/25/2025 (Appellant)
28. 6-Nov-2025 FILED: Sign-in Sheet/Case is Under Advisement as of 11/06/2025
29. 24-Nov-2025 MEMORANDUM DECISION (Affirmed in Part, Vacated in Part, Remanded) Hon Andrew J Becke - Author; Hon Jennifer M Perkins - Concur; Hon Daniel J Kiley - Concur
30. 24-Nov-2025 FILED: Decision Distribution Notification
31. 8-Dec-2025 FILED: Appellant's Motion for Reconsideration; Certificate of Compliance; Certification of Service (Appellant)
32. 19-Dec-2025 ORDERED: That the Clerk's Office, by interlineation, shall amend the Memorandum Decision filed 11/24/2025 by adding the words "and reviewed" in Paragraph 31, Line 2 so that the sentence reads: The FAC alleged Pelchat "became concerned about the legality of Defendants' conduct" when she received and reviewed Decedent's medical records in "mid-January 2022." Hon Andrew J Becke - Author

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40 PROCEEDING ENTRIES

33. 19-Dec-2025 ORDERED: Appellant's Motion for Reconsideration (Appellant) = DENIED. Hon Andrew J Becke - Author
34. 12-Jan-2026 FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.
- [vacated per order filed 01/13/2026]
35. 12-Jan-2026 FILED: Email Notice from ASC re: Petition for Review filed 01/02/2026; request for partial record
36. 13-Jan-2026 FILED: Emergency Motion for Procedural Order to Recall Void Mandate; Certification of Service (Appellant)
37. 13-Jan-2026 ORDERED: On the court's accord, vacating the mandate filed 01/12/2026, and reinstating this appeal for the purpose of transferring documents requested by the Arizona Supreme Court for review. Hon Randall M Howe - Author
38. 13-Jan-2026 ORDERED: Emergency Motion for Procedural Order to Recall Void Mandate (Appellant) = DENIED. Hon Andrew J Becke - Author
39. 15-Jan-2026 FILED: ASC Order filed 01/15/2026 re: Granting an extension of time to file the cross-petition for review to no later than 02/10/2026.
40. 21-Jan-2026 FILED: Letter forwarding partial record to Arizona Supreme Court