

Court of Appeals, Division One

Civil Appeal

1 CA-CV 25-0323

STEPHAN v. BERTZ, et al.

Appellate Case Information

Case Filed: 25-Apr-2025

Case Closed:

Dept/Composition

Department D

Hon. Daniel J Kiley
Hon. D Steven Williams
Hon. Cynthia J Bailey

Side 1. MARTINE STEPHAN, Plaintiff/Appellant

(Litigant Group) MARTINE STEPHAN

- Martine Stephan

Attorneys for: Plaintiff/Appellant

Craig A Stephan, Esq. (AZ Bar No. 7227)

Side 2. JAMES E. BERTZ, et al., Defendant/Appellee

(Litigant Group) JAMES E. BERTZ, et al.

- James E Bertz
Scottsdale Facial and Oral Surgery LLC
Bertz Professional Corporation

Attorneys for: Defendants/Appellees

Christopher J Smith, Esq. (AZ Bar No. 10460)
Kathleen Leary, Esq. (AZ Bar No. 26297)

CASE STATUS

Apr 22, 2026.... Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Includes rows for MAR CV2017-014697 and MAR CV2023-006960.

DESCENDENT CASE(S)

ASC CV-26-0133-PR

CASE DECISION

23-Mar-2026 MEMORANDUM DECISION

Daniel Kiley.....Author
D Williams.....Concur
Cynthia Bailey.....Concur

Filed: 23-Mar-2026 Mandate:

Table with 1 row: Decision Disposition. Content: Vacated in Part, Remanded.

47 PROCEEDING ENTRIES

- 1. 25-Apr-2025 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 03/28/25
2. 25-Apr-2025 FILED: e-Record on Appeal: CV2023-006960 Instruments/Minute Entries Exhibits: None
3. 25-Apr-2025 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 9-May-2025 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
5. 12-May-2025 FILED: Reporter's Transcript - 06/05/2024 - Status Conference (Kimberly C McCright) (Appellant)
6. 12-May-2025 FILED: Reporter's Transcript - 08/27/2024 - Oral Arguments (Kimberly C McCright) (Appellant)
7. 12-May-2025 FILED: Reporter's Transcript - 01/08/2025 - Trial Setting Conference and Oral Argument (Kimberly C McCright) (Appellant)
8. 15-May-2025 RECEIPT No.: 2025-00569 ; \$330.00, Authorization: #35006634789, Applied to: MARTINE STEPHAN - Class A Filing Fee (\$330.00) Paid for: Craig A Stephan - By nCourt LLC
9. 15-May-2025 FILED: Case Management Statement (Appellant)
10. 4-Jun-2025 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
11. 4-Jun-2025 FILED: Settlement Conference Program Notice
12. 6-Jun-2025 FILED: First Motion for Procedural Order to Extend Time to File Opening Brief; Certificate of Service; Exhibit 1 (Appellant)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 25-0323****STEPHAN v. BERTZ, et al.****47 PROCEEDING ENTRIES**

13.	9-Jun-2025	ORDERED: First Motion for Procedural Order to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 06-24-2025 to Thursday, 07-24-2025. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
14.	17-Jun-2025	FILED: Appellees' Notice of Payment of Filing Fee; Certificate of Service of Appellees' Notice of Payment of Filing Fee (Appellees)
15.	23-Jun-2025	RECEIPT No.: 2025-00696 ; \$165.00, Authorization: # 74019086866, Applied to: JAMES E. BERTZ, et al. - Class B Filing Fee (\$165.00) Paid for: Christopher J Smith - By nCourt, LLC
16.	14-Jul-2025	FILED: Second Motion for Procedural Order to Extend Time to File Opening Brief; Certificate of Service; Exhibit 1 (Appellant)
17.	15-Jul-2025	ORDERED: Second Motion for Procedural Order to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 07-24-2025 to Thursday, 08-21-2025. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
18.	25-Jul-2025	FILED: Motion for Procedural Order to Supplement the Appellate Record; Certificate of Service; Exhibit 1 (Appellant)
19.	28-Jul-2025	ORDERED: Motion for Procedural Order to Supplement the Appellate Record (Appellant) = GRANTED. FURTHER ORDERED: Directing the Clerk of the Maricopa County Superior Court to supplement the record on appeal and file an amended Index of Record to include all documents in case no. CV2017-014697 by 07/31/2025. Ariz R. Civ. App. Proc. 11.1(b). Melina Brill ProTem Judge - Author
20.	31-Jul-2025	FILED: e-Record on Appeal: CV2017-14597 Instruments/Minute Entries Exhibits: None
21.	31-Jul-2025	FILED: Supplemented Superior Court e-Record with Revised Index of Record
22.	19-Aug-2025	FILED: Third Motion for Procedural Order to Extend Time to File Opening Brief; Certificate of Service (Appellant)
23.	20-Aug-2025	ORDERED: Third Motion for Procedural Order to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 08-21-2025 to Thursday, 09-04-2025. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
24.	4-Sep-2025	FILED: Opening Brief of Plaintiff/Appellant; Certificate of Compliance; Certificate of Service (Appellant)
25.	15-Oct-2025	FILED: Motion for Procedural Order Extending the Deadline for Appellees/Defendants' Answering Brief; Certificate of Service of Motion for Procedural Order Extending the Deadline for Appellees/Defendants' Answering Brief (Appellees)
26.	16-Oct-2025	ORDERED: Motion for Procedural Order Extending the Deadline for Appellees/Defendants' Answering Brief (Appellees) = GRANTED. Due date EXTENDED from Tuesday, 10-14-2025 to Thursday, 11-13-2025. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Steven C Lawrence ProTem Judge - Author
27.	13-Nov-2025	FILED: Answering Brief of Defendants/Appellees; Certificate of Compliance of Defendants/Appellees; Certificate of Service of Defendants/Appellees (Appellee)
28.	17-Nov-2025	FILED: Defendants/Appellees' Notice of Errata; Certificate of Service of Defendants/Appellees' Notice of Errata (Appellee)
29.	3-Dec-2025	FILED: Request for Oral Argument; Certificate of Service (Appellant)
30.	3-Dec-2025	FILED: Reply Brief of Plaintiff/Appellant; Certificate of Compliance; Certificate of Service (Appellant)
31.	7-Jan-2026	ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Randall M Howe - Author
32.	23-Jan-2026	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
33.	26-Jan-2026	CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 3-11-26, 09:30 am, COURTROOM 2.
34.	26-Jan-2026	FILED: Supplemented Superior Court e-Record with Revised Index of Record (CV2017-014697)
35.	27-Jan-2026	FILED: Supplemented Superior Court e-Record with Revised Index of Record (CV2023-006960)
36.	10-Feb-2026	FILED: Notice of Oral Argument
37.	10-Feb-2026	FILED: Return Receipt for Notice of Oral Argument, signed by Craig Stephan, on 02/10/2026 (Appellant)
38.	12-Feb-2026	FILED: Return Receipt for Notice of Oral Argument, signed by Kathleen Leary; Christopher Smith, on 02/12/2026 (Appellees)
39.	11-Mar-2026	FILED: Sign-in Sheet/Case is Under Advisement as of 03/11/2026
40.	23-Mar-2026	MEMORANDUM DECISION (Vacated in Part, Remanded) Hon Daniel J Kiley - Author; Hon D Steven Williams - Concur; Hon Cynthia J Bailey - Concur
41.	23-Mar-2026	FILED: Decision Distribution Notification
42.	6-Apr-2026	FILED: Appellant's Statement of Costs; Certificate of Service; Exhibit 1 (Appellant)

Court of Appeals, Division One

Civil Appeal

1 CA-CV 25-0323

STEPHAN v. BERTZ, et al.

47 PROCEEDING ENTRIES

- | | | |
|-----|-------------|---|
| 43. | 16-Apr-2026 | FILED: Defendants/Appellees' Objection to Plaintiff/Appellant's Statement of Costs; Certificate of Service of Defendants/Appellees' Objection to Plaintiff/Appellant's Statement of Costs (Appellees) |
| 44. | 23-Apr-2026 | FILED: Reply in Support of Appellant's Statement of Costs; Certificate of Service (Appellant) |
| 45. | 24-Apr-2026 | ORDERED: Appellant's Statement of Costs (Appellant) = GRANTED/awarding costs of \$985.72 to Appellant Martine Stephan. Hon Daniel J Kiley - Author |
| 46. | 29-Apr-2026 | FILED: Email Notice from ASC re: Petition for Review filed 04/22/2026; request for partial record |
| 47. | 1-May-2026 | FILED: Letter forwarding partial record to Arizona Supreme Court |