

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-23-0263-PR

In the matter of WILLIAM JOHN CHALMERS

Appellate Case Information

Case Filed: 20-Oct-2023
 Case Closed:

Dept/Composition

En Banc
 Hon. Ann A. Scott Timmer
 Hon. John R Lopez
 Hon. Robert Brutinel
 Hon. Clint Bolick
 Hon. James P Beene
 Hon. William G Montgomery
 Hon. Rebecca White Berch

Side 1. WILLIAM JOHN CHALMERS, 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
- 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

Attorneys for: Defendant/Appellant

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

Side 3. DAVID REDKEY, Amicus Curiae

(Litigant Group) DAVID REDKEY

- David Wayne Redkey

PRO SE

CASE STATUS

Aug 20, 2024....Oral Argument Granted Jun 3, 2024.....Continued
 Oct 20, 2023....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CV 22-0429				
↳ MAR	PB2017-001373	Petition for Appointment of Permanent Conservator for an Adult	Thomas Marquoit, Authoring Judge of Order Comments: (none)		

27 PROCEEDING ENTRIES

- 20-Oct-2023 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Opinion (Appellants East Valley Fiduciary Services, et al.)
- 23-Oct-2023 FILED: Record From CofA: Electronic Record
- 2-Nov-2023 RECEIPT No.: 2023-00678 ; \$280.00, Authorization: 8650221818425280, Applied to: EAST VALLEY FIDUCIARY SERVICES, INC., et al. - Class A Filing Fee (\$280.00) Paid for: EAST VALLEY FIDUCIARY SERVICES, INC., et al. - By nCourt LLC
- 20-Nov-2023 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellee Chalmers)
- 28-Nov-2023 RECEIPT No.: 2023-00695 ; \$140.00, Authorization: 8298599179536292, Applied to: WILLIAM JOHN CHALMERS - Class B Filing Fee (\$140.00) Paid for: WILLIAM JOHN CHALMERS - By nCourt LLC

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6. 7-May-2024 FILED: Motion to Appear as Amicus Curiae; Certificate of Service (Amicus Redkey, Pro Se)
7. 7-May-2024 FILED: [Skriken Per Order 5/14/24] Brief Amici Curiae of David Redkey Asking for the Denial of the Petition for Review; Certificate of Service; Certificate of Compliance (Amicus Redkey, Pro Se)
8. 7-May-2024 FILED: (Duplicate) Motion for Permission to file an Amicus Curiae Brief (Amicus Redkey, Pro Se)
9. 10-May-2024 FILED: Opposition to Redkey Amicus Request; Certificate of Service; Certificate of Compliance (Appellants East Valley Fiduciary Services, et al.)
10. 11-May-2024 FILED: Response to Motion to Appear as Amicus Curiae; Certificate of Service for Response to Motion to Appear as Amicus Curiae (Appellee Chalmers)
11. 14-May-2024 On May 7, 2024, David Redkey, pro se, filed a "Motion to Appear as Amicus Curiae," with a "Brief Amici Curiae of David Redkey Asking for the Denial of the Petition for Review." On May 10, 2024, Appellants East Valley Fiduciary Services, Inc. et al. filed their "Opposition to Redkey Amicus Request." On May 11, 2024, Appellee Chalmers filed a response in support of Redkey's motion.

Pursuant to Rule 16(d)(1) of the Rules of Civil Appellate Procedure, a person may file an amicus brief no later than 21 days after the filing of the response to the petition for review, which, in this matter, was filed on November 20, 2023. Subsequently, any briefs of amicus curiae in this case were due on or before December 11, 2023. Therefore, upon consideration by the Court,

IT IS ORDERED denying the motion to appear as amicus curiae.

IT IS FURTHER ORDERED striking as untimely the "Brief of Amici Curiae of David Redkey Asking for the Denial of the Petition for Review." (Hon. John R Lopez IV)
12. 3-Jun-2024 ORDERED: Petition for Review = CONTINUED.

Justice King did not participate in the determination of this matter.
13. 20-Aug-2024 ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than September 12, 2024. Any amicus briefs are due on or before September 26, 2024 and any responses to amicus briefs are due on or before October 16, 2024. Any amicus briefs or responses may not exceed 20 pages in length.

Justice King did not participate in the determination of this matter.
14. 28-Aug-2024 Justice King is recused and will not participate in the above captioned matter. Therefore, pursuant to Article 6, Section 3 of the Arizona Constitution,

IT IS ORDERED that the Honorable Rebecca White Berch, Justice (Retired) of the Arizona Supreme Court is designated to sit on the case until it is finally determined. (Hon. Ann A. Scott Timmer)
15. 28-Aug-2024 NOTICE OF ORAL ARGUMENT: Set for Tuesday, October 29, 2024 at 11:00 A.M. [twenty (20) minutes per side]
16. 29-Aug-2024 FILED: Notice of Acknowledgment of Oral Argument (Eileen Dennis Gilbride will argue) (Appellants East Valley Fiduciary Services, et al.)
17. 29-Aug-2024 FILED: Notice of Acknowledgment of Oral Argument (David L. Abney will argue) (Respondent)
18. 29-Aug-2024 RECEIVED: Record from CofA: Court of Appeals File (Entire Remaining Record)

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
19. 29-Aug-2024 FILED: Record From CofA: Entire Electronic Record
20. 1-Sep-2024 FILED: Motion for Permission to Participate in Oral Argument on October 29, 2024; Certificate of Service (Amicus Redkey, Pro Se)

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21. 1-Sep-2024 FILED: Amicus Curiae Brief of David Redkey in Support of the Majority Decision by the Arizona Court of Appeals; Certificate of Service; Certificate of Compliance (Amicus Redkey, Pro Se)
22. 1-Sep-2024 FILED: Motion for Permission to File Amicus Curiae Brief (Amicus Redkey, Pro Se)
23. 3-Sep-2024 FILED: Notice of Application of ARCAP Rule 16(b)(1)(C)(ii) for David Redkey to File an Amicus Curiae Brief; Certificate of Service (Amicus Redkey, Pro Se)
24. 4-Sep-2024 On September 1, 2024, David Redkey, pro se, filed a "Motion for Permission to Participate in Oral Argument on October 29, 2024" and a "Motion for Permission to File Amicus Curiae Brief" along with the proposed brief. Upon consideration,

IT IS ORDERED denying the motions.

IT IS FURTHER ORDERED striking the "Amicus Curiae Brief of David Redkey in Support of the Majority Decision by the Arizona Court of Appeals." (Hon. Ann A. Scott Timmer)
25. 4-Sep-2024 FILED: Appellants' Opposition to David Redkey's Motions to File Amicus Brief and to Participate in OA; Certificate of Service; Certificate of Compliance (Appellants East Valley Fiduciary Services, et al.)
26. 12-Sep-2024 FILED: Appellants' Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellants East Valley Fiduciary Services, et al.)
27. 12-Sep-2024 FILED: Simultaneous Supplemental Brief of William John Chalmers; Certificate of Service; Certificate of Compliance (Appellee Chalmers)