

Arizona Supreme Court
Civil Petition for Review - Industrial Commission

CV-23-0211-PR

VANDE KROL v SUPERSTITION/BENCHMARK

Appellate Case Information

Case Filed: 14-Aug-2023
 Case Closed:

Dept/Composition

En Banc
 Hon. Robert Brutinel
 Hon. Ann A. Scott Timmer
 Hon. Clint Bolick
 Hon. John R Lopez
 Hon. James P Beene
 Hon. William G Montgomery
 Hon. Kathryn H. King

Side 1. ROBERT VANDE KROL, Petitioner Employee

(Litigant Group) ROBERT VANDE KROL

- Robert Vande Krol

Attorneys for: Petitioner Employee

Thomas C Whitley, Esq. (AZ Bar No. 5518)
 Nicholas C Whitley, Esq. (AZ Bar No. 32741)

Side 2. THE INDUSTRIAL COMMISSION OF ARIZONA, Respondent

(Litigant Group) THE INDUSTRIAL COMMISSION OF ARIZONA,

- Industrial Commission of Arizona

Attorneys for: Respondent

Afshan Peimani, Esq. (AZ Bar No. 26156)

Side 3. SUPERSTITION FIRE & MEDICAL, Respondent Employer

(Litigant Group) SUPERSTITION FIRE & MEDICAL

- Superstition Fire & Medical

Attorneys for: Respondent Employer

Christopher S Norton, Esq. (AZ Bar No. 24496)

Side 4. BENCHMARK INSURANCE, Respondent Insurance Carrier

(Litigant Group) BENCHMARK INSURANCE

- Benchmark Insurance Company

Attorneys for: Respondent Insurance Carrier

Christopher S Norton, Esq. (AZ Bar No. 24496)
 Elizabeth L Fleming, Esq. (AZ Bar No. 25322)
 Maile Belongie, Esq. (AZ Bar No. 36194)

Side 5. INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AND PROFESSIONAL FIRE FIGHTERS OF ARIZONA, Amicus Curiae

(Litigant Group) INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AND PROFESSIONAL FIRE FIGHTERS OF ARIZONA

- International Association of Fire Fighters
- Professional Fire Fighters of Arizona

Attorneys for: Amicus Curiae

D Andrew Gaona, Esq. (AZ Bar No. 28414)
 Austin C Yost, Esq. (AZ Bar No. 34602)
 Arthur R Traynor, Esq. (DC Bar No. 988730)

CASE STATUS

Feb 13, 2024....Submitted

Dec 5, 2023.....At Issue

Dec 5, 2023.....Oral Argument Granted

Aug 14, 2023....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-IC 22-0046					
↗ ICA 20210280125			Amy L Foster, Administrative Law Judge Comments: (none)		
↗ INSCA 7138292			Comments: (none)		

16 PROCEEDING ENTRIES

- 14-Aug-2023 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Order Denying Motion for Reconsideration (Respondent Carrier Benchmark)
- 15-Aug-2023 FILED: Record From CofA: Electronic Record
- 18-Aug-2023 RECEIPT No.: 2023-00605 ; \$280.00, Authorization: 8561787393341165, Applied to: BENCHMARK INSURANCE COMPANY - Class A Filing Fee (\$280.00) Paid for: BENCHMARK INSURANCE COMPANY - By nCourt LLC

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16 PROCEEDING ENTRIES

4. 13-Sep-2023 FILED: Respondent Employee's Response to Petition for Review; Certificate of Service; Certificate of Compliance (Petitioner Employee Vande Krol)
5. 21-Sep-2023 RECEIPT No.: 2023-00642 ; \$140.00, Authorization: 8210156864948657, Applied to: ROBERT VANDE KROL - Class B Filing Fee (\$140.00) Paid for: ROBERT VANDE KROL - By nCourt LLC
6. 5-Dec-2023 ORDERED: Petition for Review = GRANTED as to this rephrased issue:

Whether the Court of Appeals erred in finding that amendments to A.R.S. § 23-901.01 applied retroactively to the claim for benefits in this case.

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 25 days from the date of this Court's Minute Letter. Any amicus briefs are due on or before January 17, 2024 and any responses to amicus briefs are due on or before February 6, 2024. Any amicus briefs or responses may not exceed 20 pages in length.
7. 7-Dec-2023 RECEIVED: Record from CofA: Entire Electronic Record
8. 12-Dec-2023 NOTICE: Amended by 12-13-23 Notice
9. 13-Dec-2023 NOTICE OF ORAL ARGUMENT: Set for Tuesday, February 13, 2024 at 10:15 A.M. [twenty (20) minutes per side]
10. 13-Dec-2023 FILED: Notice of Acknowledgment of Oral Argument (Elizabeth L. Fleming will argue) (Respondent Carrier Benchmark)
11. 17-Dec-2023 FILED: Notice of Acknowledgment of Oral Argument (Thomas C. Whitley will argue) (Petitioner Employee Vande Krol)
12. 1-Jan-2024 FILED: Supplemental Brief of Respondent Employee Robert Vandekrol; Certificate of Service; Certificate of Compliance (Petitioner Employee Vande Krol)
13. 17-Jan-2024 FILED: Brief of Amici Curiae International Association of Fire Fighters and Professional Fire Fighters of Arizona in Support of Respondent (Filed with Consent of the Parties); Certificate of Service; Certificate of Compliance (Amicus IAFF/PFFA)
14. 17-Jan-2024 FILED: Consent of all Parties (Amicus IAFF/PFFA)
15. 18-Jan-2024 FILED: Letter to [D. Andrew Gaona] (Verification of Pro Hac Vice Status Arthur R Traynor)
16. 13-Feb-2024 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Elizabeth L. Fleming, Thomas C. Whitley)