

Arizona Supreme Court
Civil Petition for Review - Special Action

CV-23-0284-PR

MESA/WILLIAMS v HON RYAN/ROGERS

Appellate Case Information

Case Filed: 30-Nov-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. Kathryn H. King

Side 1. CITY OF MESA; GUSTAVO WILLIAMS, Petitioner

(Litigant Group) CITY OF MESA; GUSTAVO WILLIAMS

- City of Mesa
- Gustavo Williams

Attorneys for: Petitioner

Duncan J Stoutner, Esq. (AZ Bar No. 20699)
 Alexander J Lindvall, Esq. (AZ Bar No. 34745)

Side 2. THE HONORABLE TIMOTHY RYAN, Judge of the SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of MARICOPA, Respondent Judge

(Litigant Group) THE HONORABLE TIMOTHY RYAN, Judge of the SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of MARICOPA

- Hon. Timothy J Ryan

Side 3. PHILIP ROGERS, Real Party in Interest

(Litigant Group) PHILIP ROGERS

- Philip Rogers

Attorneys for: Real Party in Interest

Richard R Reed, Esq. (AZ Bar No. 27550)
 Mark P Breyer, Esq. (AZ Bar No. 16862)
 David L Abney, Esq. (AZ Bar No. 9001)

Side 4. ARIZONA ASSOCIATION FOR JUSTICE, Amicus Curiae

(Litigant Group) ARIZONA ASSOCIATION FOR JUSTICE

- Arizona Association for Justice

Attorneys for: Amicus Curiae

Patricia E Ronan, Esq. (AZ Bar No. 29009)

Side 5. STATE OF ARIZONA, Amicus Curiae

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Amicus Curiae

Joshua D Bendor, Esq. (AZ Bar No. 31908)
 Alexander W Samuels, Esq. (AZ Bar No. 28926)
 Daniel P Schaack, Esq. (AZ Bar No. 10715)
 Luci Danielle Davis, Esq. (AZ Bar No. 35347)

Side 6. LEAGUE OF ARIZONA CITIES AND TOWNS, ARIZONA COUNTIES INSURANCE POOL, ARIZONA MUNICIPAL RISK RETENTION POOL, ARIZONA SCHOOL RISK RETENTION TRUST, INC, Amicus Curiae

(Litigant Group) LEAGUE OF ARIZONA CITIES AND TOWNS, ARIZONA COUNTIES

INSURANCE POOL, ARIZONA MUNICIPAL RISK RETENTION POOL, ARIZONA SCHOOL RISK RETENTION TRUST, INC

- League of Arizona Cities and Towns
- Arizona Counties Insurance Pool
- Arizona Municipal Risk Retention Pool
- Arizona School Risk Retention Trust Inc

Attorneys for: Amicus Curiae

Nancy L Davidson, Esq. (AZ Bar No. 29991)
 Nicholas D Acedo, Esq. (AZ Bar No. 21644)

CASE STATUS

May 7, 2024.....At Issue	May 7, 2024.....Oral Argument Granted
Apr 9, 2024.....Continued	Nov 30, 2023....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-SA 23-0154				
↻ MAR	CV2022-014378		Timothy J Ryan, Authoring Judge of Order Comments: (none)		

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22 PROCEEDING ENTRIES

1. 30-Nov-2023 FILED: Petition for Review; Certificate of Service; Certificate of Compliance (Real Party Rogers)
2. 1-Dec-2023 FILED: Record From CofA: Electronic Record
3. 13-Dec-2023 RECEIPT No.: 2023-00700 ; \$280.00, Authorization: 8562553397099681, Applied to: PHILIP ROGERS - Class A Filing Fee (\$280.00) Paid for: PHILIP ROGERS - By nCourt LLC
4. 28-Dec-2023 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Petitioners City of Mesa/Williams)
5. 9-Apr-2024 ORDERED: Petition for Review = CONTINUED.
6. 7-May-2024 ORDERED: Petition for Review = GRANTED as to this rephrased issue:

"Did the plaintiff's notice of claim comply with A.R.S. § 12-821.01(A) by offering to settle the matter for \$1,000,000 or the applicable policy limits, whichever is greater?"

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 May 28, 2024. Any amicus briefs are due on or before June 11, 2024 and any responses to amicus briefs are due on or before July 1, 2024. Any amicus briefs or responses may not exceed 20 pages in length.
7. 8-May-2024 FILED: Record from CofA: Electronic Record
8. 15-May-2024 NOTICE OF ORAL ARGUMENT: Set for Tuesday, September 17, 2024, at 10:15 A.M. (twenty [20] minutes per side).
9. 16-May-2024 FILED: Notice of Acknowledgment of Oral Argument (Duncan J. Stoutner will argue) (Petitioners City of Mesa/Williams)
10. 17-May-2024 FILED: Notice of Acknowledgment of Oral Argument (David L. Abney will argue) (Real Party Rogers)
11. 26-May-2024 FILED: Real Party in Interest's Simultaneous Supplemental Brief; Certificate of Service; Certificate of Compliance (Real Party Rogers)
12. 28-May-2024 FILED: Supplemental Response in Support of Response to Petition for Review; Certificate of Service; Certificate of Compliance (Petitioners City of Mesa/Williams)
13. 11-Jun-2024 FILED: Amicus Curiae Brief of the Arizona Association for Justice; Certificate of Service; Certificate of Compliance (Amicus Arizona Association for Justice)
14. 11-Jun-2024 FILED: Motion of the Arizona Association for Justice for Leave to file Amicus Curiae Brief (Amicus Arizona Association for Justice)
15. 11-Jun-2024 FILED: Amicus Brief of the State of Arizona in Support of the City of Mesa; Certificate of Service; Certificate of Compliance (Amicus State)
16. 11-Jun-2024 FILED: The State of Arizona's Statement of Allowance to File Amicus Curiae Brief in Support of the City of Mesa (Amicus State)
17. 11-Jun-2024 FILED: Brief of Amici Curiae League of Arizona Cities and Towns, Arizona Counties Insurance Pool, Arizona Municipal Risk Retention Pool, and Arizona School Risk Retention Trust, Inc, in Support of Petition City of Mesa; Certificate of Service; Certificate of Compliance (Amici League of Arizona Cities, et al.)
18. 11-Jun-2024 FILED: Consent of all Parties; (Duplicate) Consent of all Parties (Amici League of Arizona Cities, et al.)
19. 12-Jun-2024 A "Motion of the Arizona Association for Justice for Leave to File Amicus Curiae Brief" was filed on June 11, 2024, along with the brief of amicus curiae. After consideration,

IT IS ORDERED the "Motion of the Arizona Association for Justice for Leave to file Amicus Curiae Brief" is granted. The brief shall be filed as of June 11, 2024. (Hon. Robert Brutinel)
20. 21-Jun-2024 FILED: Motion for Procedural Order: The State's Unopposed Motion to Participate in Oral Argument; Certificate of Service (Amicus State)
21. 24-Jun-2024 On June 21, 2024, Amicus State of Arizona filed "Motion for Procedural Order: The State's Unopposed Motion to Participate in Oral Argument." After consideration,

IT IS ORDERED granting the motion. Counsel for Petitioners City of Mesa/Williams and counsel for Amicus State of Arizona may share the allotted 20 minutes of time for oral argument. (Hon. Robert Brutinel)

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22 PROCEEDING ENTRIES

22. 24-Jun-2024 FILED: Notice of Acknowledgment of Oral Argument (Luci D. Davis will argue) (Amicus State)