

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-25-0070-PR

STEPHENS v STATE et al

Appellate Case Information

Case Filed: 19-Mar-2025
 Case Closed:

Dept/Composition

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

Side 1. STEPHANIE STEPHENS, Plaintiff/Appellant

(Litigant Group) STEPHANIE STEPHENS

- Stephanie Stephens

Attorneys for: Plaintiff/Appellant

Keith M Knowlton, Esq. (AZ Bar No. 11565)

Side 2. STATE OF ARIZONA, et al., Defendant/Appellee

(Litigant Group) STATE OF ARIZONA, et al.

- State of Arizona
- Kasey Mike Faust
- Clara Harwood
- Chantel Madson
- Conchetta Oglesby

Attorneys for: Defendant/Appellee

Deborah L Garner, Esq. (AZ Bar No. 26161)
 Rebecca Banes, Esq. (AZ Bar No. 34212)

CASE STATUS

May 22, 2026...Decision Rendered

Aug 19, 2025...Oral Argument Granted

Mar 19, 2025...Pending

PREDECESSOR CASE (S)

	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CV 24-0309				
↔ MAR	CV2022-092486	42 USC Section 1983	Rodrick J Coffey, Authoring Judge of Order Comments: (none)		

CASE DECISION

22-May-2026 OPINION

For the foregoing reasons, we vacate the court of appeals' decision and affirm the trial court's grant of DCS's Rule 12(b)(6) motion to dismiss for failure to state a claim.

Filed: **22-May-2026**

Mandate: _____

Decision Disposition

CofA Vacated
Affirmed

- Ann Timmer**.....Author
John Lopez.....Concur
James Beene.....Concur
Kathryn King.....Concur
Maria Cruz.....Concur
William Montgomery.....Concur in Part
Clint Bolick.....Dissent

32 PROCEEDING ENTRIES

- 19-Mar-2025 FILED: Motion to Extend Time to File Petition for Review; Certificate of Service (Appellees State of Arizona, et al.)
- 20-Mar-2025 Appellees State of Arizona, et al., filed a "Motion to Extend Time to File Petition for Review" on March 19, 2025. Pursuant to Arizona Rules of Civil Appellate Procedure, Rule 6(b), the caption of a motion for procedural order must include the words, "Motion for Procedural Order." Therefore,

IT IS ORDERED the motion is denied without prejudice to Appellee's ability to file a motion in compliance with ARCAP 6(b). This matter is subject to dismissal if a compliant motion or petition for review is not filed by April 1, 2025. (Tracie K. Lindeman, Clerk)
- 20-Mar-2025 FILED: Motion for Procedural Order to Extend Time to File Petition for Review; Certificate of Service (Appellees State of Arizona, et al.)

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4. 21-Mar-2025 A "Motion for Procedural Order to Extend Time to File Petition for Review" (Appellees State of Arizona, et al.) having been filed on March 20, 2025,

IT IS ORDERED granting a first extension of time to file the petition for review on or before May 1, 2025. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by May 1, 2025. (Tracie K. Lindeman, Clerk)
5. 1-May-2025 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Memorandum Decision (Appellees State of Arizona, et al.)
6. 2-May-2025 FILED: Record from CofA: Electronic Record
7. 6-Jun-2025 The Clerk of the Supreme Court having been authorized by the Supreme Court to order any party to file a response to a petition for review at the direction of a Supreme Court staff attorney,

IT IS ORDERED that Appellant Stephens shall file a response to the petition for review on or before July 7, 2025.

IT IS FURTHER ORDERED that a filing fee of \$165.00 shall accompany the response pursuant to A.R.S. § 12-119.01. (Aaron C. Nash, Clerk)
8. 9-Jul-2025 FILED: Appellant's Response to Appellees Petition for Review; Certificate of Service; Certificate of Compliance (Appellant Stephens)
9. 9-Jul-2025 FILED: Motion for Procedural Order; (Duplicate) Motion for Procedural Order; (Proposed) Order (Appellant Stephens)
10. 10-Jul-2025 FILED: Appellant's Notice of Errata Regarding Table of Authorities to Appellants Response to Petition for Review (Correcting Page Number References); Certificate of Service (Appellant Stephens)
11. 10-Jul-2025 FILED: Amended Motion for Procedural Order; (Duplicate) Amended Motion for Procedural Order; (Proposed) Order (Appellant Stephens)
12. 10-Jul-2025 On July 9, 2025, Appellant Stephens filed a "Response to Appellees Petition for Review," a "Motion for Procedural Order" and an "Amended Motion for Procedural Order" to extend the deadline to file a response to the petition for review. Upon consideration,

IT IS ORDERED granting the motion. The response will be deemed timely filed as of July 9, 2025. (Aaron C. Nash, Clerk)
13. 16-Jul-2025 RECEIPT No.: 2025-00205 ; \$165.00, Authorization: 8566707953926739, Applied to: STEPHANIE STEPHENS - Class B Filing Fee (\$165.00) Paid for: STEPHANIE STEPHENS - By nCourt LLC
14. 22-Jul-2025 FILED: Motion for Leave to File a Reply Brief in Support of Petition for Review; Certificate of Service; Reply Brief (Appellees State of Arizona, et al.)
15. 24-Jul-2025 On July 22, 2025, Appellees State of Arizona, et al., filed a "Motion for Leave to File a Reply Brief in Support of Petition for Review," and a proposed reply brief. Upon consideration,

IT IS ORDERED granting Appellees' "Motion for Leave to File a Reply Brief in Support of Petition for Review." The brief shall be filed as of July 22, 2025. (Hon James P Beene)
16. 20-Aug-2025 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 8, 2025. Any amicus briefs are due on or before September 22, 2025 and any responses to amicus briefs are due on or before October 14, 2025. Any amicus briefs or responses may not exceed 20 pages in length.
17. 21-Aug-2025 FILED: Record From CofA: Entire Electronic Record
18. 22-Aug-2025 FILED: Joint Motion for Procedural Order to Extend the Deadline for Simultaneous Supplemental Briefing; Certificate of Service (Appellees State of Arizona, et al./Appellant Stephens)

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19. 22-Aug-2025 A "Joint Motion for Procedural Order to Extend the Deadline for Simultaneous Supplemental Briefing" (Appellees State of Arizona, et al./Appellant Stephens) having been filed on August 22, 2025,

IT IS ORDERED granting the "Joint Motion for Procedural Order to Extend the Deadline for Simultaneous Supplemental Briefing." Parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than September 29, 2025. Any amicus briefs are due on or before October 10, 2025, and any responses to amicus briefs are due on or before October 21, 2025. Any amicus briefs or responses may not exceed 20 pages in length. All supplemental briefs shall include a table of citations that alphabetically arranges and indexes the cases, statutes and other authorities cited in the brief and refers to the pages of the brief on which each citation of authority appears. (Hon. Ann A. Scott Timmer)
20. 5-Sep-2025 NOTICE OF ORAL ARGUMENT: Set for Tuesday, October 28, 2025, at 10:15 A.M. at Holbrook High School, Holbrook, Arizona (20 minutes per side).
21. 9-Sep-2025 FILED: Notice of Acknowledgment of Oral Argument (Rebecca Banes will argue) (Appellees State of Arizona, et al.)
22. 25-Sep-2025 FILED: Motion for Procedural Order; Certificate of service; Proposed Order Granting Motion for Procedural Order (Appellant Stephens)
23. 25-Sep-2025 A "Motion for Procedural Order" requesting an extension to the deadline for filing supplemental briefs (Appellant Stephens) having been filed on September 25, 2025, and no opposition having been filed,

IT IS ORDERED granting the motion. Parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than October 3, 2025. Any amicus briefs remain due on or before October 10, 2025, and any responses to amicus briefs remain due on or before October 21, 2025. Amicus briefs or responses may not exceed 20 pages in length. All supplemental briefs must include a table of citations that alphabetically arranges and indexes the cases, statutes and other authorities cited in the brief and refers to the pages of the brief on which each citation of authority appears. (Hon. Ann A. Scott Timmer)
24. 25-Sep-2025 FILED: Notice of Acknowledgment of Oral Argument (Keith Knowlton will argue) (Appellant Stephens)
25. 26-Sep-2025 SENT: Letter to Parties re Parking in Holbrook
26. 2-Oct-2025 FILED: Appellant's Simultaneous Supplemental Brief; Certificate of Service; Certificate of Compliance; Memorandum Decision (Appellant Stephens)
27. 3-Oct-2025 FILED: Appellees' Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellees State of Arizona, et al.)
28. 28-Oct-2025 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Rebecca Banes, Keith M. Knowlton)
29. 26-Mar-2026 The Court has identified two malicious prosecution cases that may affect resolution of the petition for review: *Wisniski v. Ong*, 94 Ariz. 123 (1963), and *Creamer v. Raffety*, 145 Ariz. 34 (1984). These cases concluded that a criminal conviction, even if later reversed, "conclusively establishes the existence of probable cause, unless the conviction was obtained by fraud, perjury or other corrupt means." See *Wisniski*, 94 Ariz. at 124-25 (quoting Restatement of Torts § 667); *Creamer*, 145 Ariz. at 40, ¶129. Although the parties here addressed the effect of the juvenile removal and dependency adjudications, neither party cited *Wisniski* or *Creamer*. The Court is considering whether the principle announced in these cases applies to wrongful institution of civil proceedings claims. Therefore,

IT IS ORDERED the parties file simultaneous briefs on or before April 10, 2026, addressing whether the holdings in *Wisniski* and *Creamer* apply to the claims in this case. The briefing should not exceed 10 pages. No response briefs are permitted. (Hon James P Beene)
30. 7-Apr-2026 FILED: Appellant's (Second) Simultaneous Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Stephens)
31. 10-Apr-2026 FILED: Appellees' Second Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellees State of Arizona, et al.)
32. 22-May-2026 OPINION - For the foregoing reasons, we vacate the court of appeals' decision and affirm the trial court's grant of DCS's Rule 12(b)(6) motion to dismiss for failure to state a claim. (Hon. Ann A. Scott Timmer - Author; Hon. John R. Lopez IV - Concur; Hon James P. Beene - Concur; Hon. Kathryn H. King - Concur; Hon Maria Elena Cruz - Concur; Hon William G. Montgomery - Concur in Part; Hon. Clint Bolick - Dissent)