

David L. Abney, Esq. (009001)
AHWATUKEE LEGAL OFFICE, P.C.
Post Office Box 50351
Phoenix, Arizona 85076
(480) 734-8652
abneymaturin@aol.com
Appellate Counsel for Plaintiff/Appellee

Timothy G. Tonkin, Esq. (020709)
Steven J. Jones, Esq. (031438)
PHILLIPS LAW GROUP, P.C.
3101 North Central Ave., No. 1500
Phoenix, Arizona 85012
(602) 258-8900
timt@phillipslaw.com
stevenj@phillipslaw.com
Attorneys for Plaintiff/Appellee

**SUPREME COURT
STATE OF ARIZONA**

SHEROLD D. ROAF,

Plaintiff/Appellee,

v.

STEPHEN S. REBUCK CONSULTING,
LLC, et al.,

Defendants/Appellants.

Case No. CV-23-0233-PR

Arizona Court of Appeals
Case No. 1 CA-CV 22-0620

Maricopa County Superior Court
Case No. CV 2019-0620
(Hon. Timothy J. Thomason)

**RESPONSE TO
PETITION FOR REVIEW**

Table of Contents

	Page
Table of Citations	3
Legal Argument	5
1. Medstar is 100% vicariously liable for paying all of the damages. That remains true regardless of what percentage of fault the jury chose to allocate against Medstar's driver.	5
2. There is no danger of an inflated damages awards when the jury has to determine percentages of fault against an employee and his employer.	7
3. There is no reason to even consider adopting the " <i>McHaffie</i> rule."	12
4. The trial court properly denied the motion for new trial.	16
Conclusion	18
Certificate of Compliance	19
Certificate of Service	19

Table of Citations

Cases	Page
<i>Adroit Supply Co. v. Electric Mut. Liab. Ins. Co.</i> , 112 Ariz. 385 (1975)	17
<i>American Smelting & Refining Co. v. Wusich</i> , 92 Ariz. 159 (1952)	7
<i>Avitia v. Crisis Preparation and Recovery, Inc.</i> , 254 Ariz. 213 (2023)	8
<i>Carnes v. Phoenix Newspapers, Inc.</i> , 227 Ariz. 32 (App. 2011)	8
<i>Coburn v. City of Tucson</i> , 143 Ariz. 50 (1984)	8
<i>CVS Pharmacy, Inc. v. Bostwick</i> , 251 Ariz. 511 (2021)	9
<i>Dawson v. Withycombe</i> , 216 Ariz. 84 (App. 2007)	17
<i>Gipson v. Kasey</i> , 214 Ariz. 141 (2007)	8
<i>Gunnell v. Arizona Pub. Serv. Co.</i> , 202 Ariz. 388 (2002)	12
<i>Lorio v. Cartwright</i> , 768 F.Supp. 658 (N.D. Ill. 1991)	16
<i>LyphoMed, Inc. v. Superior Court</i> , 172 Ariz. 423 (App. 1992)	12
<i>McHaffie v. Bunch</i> , 891 S.W.2d 822 (Mo. 1995)	12-15, 18
<i>McQueen v. Green</i> , 202 N.E.3d 268, 2022 IL 126666 (Ill. 2022)	14
<i>Ramon v. Nebo School District</i> , 493 P.3d 613 (Utah 2021)	15
<i>Rosner v. Denim & Diamonds, Inc.</i> , 188 Ariz. 431 (App. 1996)	18
<i>Soto v. Sacco</i> , 242 Ariz. 474 (2017)	17
<i>Spring v. Bradford</i> , 243 Ariz. 167 (2017)	16
<i>State v. Rankovich</i> , 159 Ariz. 116 (1988)	17

<i>Tennant v. Peoria & Pekin Union Ry. Co.</i> , 321 U.S. 29 (1944)	17
<i>Torres v. JAI Dining Services (Phoenix), Inc.</i> , 252 Ariz. 28 (2021)	8
<i>Werner Enterprises, Inc. v. Blake</i> , 672 S.W.3d 554 (Tex. App. 2023)	15
<i>Wright v. Watkins and Shepard Trucking, Inc.</i> , 972 F.Supp.2d 1218 (D. Nev. 2013)	15

Statutes and Rules

A.R.S. § 12-331	19
A.R.S. § 12-332	19
A.R.S. § 12-341	19
A.R.S. § 12-342	19
A.R.S. § 12-2506(A)	9
A.R.S. § 12-2506(B)	12, 17-18
A.R.S. § 12-2506(C)	10
A.R.S. § 28-701(A)	7
Ariz. R. Civ. Proc. 8(e)(2)	5
Ariz. R. Civ. Proc. 8(e)(3)	5
Ariz. R. Civ. Proc. 8(f)	5
Ariz. R. Civ. App. Proc. 21	19
Ariz. R. Civ. App. Proc. 23(d)(3)	18
Utah Code § 78B-5-818(2)	15

Legal Argument

- 1. Medstar is 100% vicariously liable for paying all of the damages. That remains true regardless of what percentage of fault the jury chose to allocate against Medstar's driver.**

Fundamentally, the petition for review attacks a plaintiff's right to pursue alternate tort theories of liability. The Arizona Rules of Civil Procedure provide that a plaintiff "may set out two or more statements of a claim . . . alternatively or hypothetically, either in a single count or . . . in separate ones. If a party makes alternative statements, the pleading is sufficient if any one of them is sufficient." Ariz. R. Civ. Proc. 8(e)(2). In addition, a "party may state as many separate claims . . . as it has, regardless of consistency." Ariz. R. Civ. Proc. 8(e)(3). "Pleadings," whether they are alternative, hypothetical, or consistent, "must be construed so as to do justice." Ariz. R. Civ. Proc. 8(f).

From the start of the case, Sherold Roaf had the right to pursue alternative tort claims against the company employing the driver who caused the crash that injured him. The driver injured Roaf in a motor-vehicle crash on January 12, 2018. Roaf had been driving his car south on State Route 101. Francisco Celaya Ortiz was driving a company van right behind Roaf in the course and scope of Ortiz's employment with Stephen S. Rebeck Consulting ("Medstar"). Ortiz crashed the van into the rear of Roaf's car at about 40 miles per hour.

Roaf sued Ortiz for causing the crash and sued Medstar: (1) for vicarious

liability *and* (2) for direct negligence in hiring, training, and supervising Ortiz. In the Joint Pretrial Statement, the defendants admitted Ortiz was “solely at fault for causing the accident” and Medstar was liable for Ortiz’s actions under the doctrine of respondeat superior. (IR-276, ¶ I(F), I(G) & III(O)).

In his opening jury statement, the defense lawyer admitted Ortiz was negligent and that Ortiz “was at fault in causing the accident and whatever injuries ultimately you conclude Mr. Roaf suffered, we admit they were caused by the accident.” *Trial-Transcript* 213:20-25 (Apr. 11, 2022). In addition, in their Joint Pretrial Statement, the parties agreed there was “no comparative fault attributable to [Roaf].” (IR-276, ¶ I(I)).

In a general verdict, a jury awarded \$4.625 million in damages to Roaf, allocating 40% fault to Ortiz and 60% fault to Medstar. (IR-336). As the Court of Appeals explained, the exact percentages of fault the jury allocated against Ortiz and Medstar did not matter. After all, Medstar had “assumed liability for 100% of Roaf’s damages resulting from the accident, irrespective of its direct liability for negligently hiring Ortiz. Thus, if the jury awarded Roaf any damages, Medstar was going to pay 100% of them.” *Mem. Dec.* ¶ 10.

There is nothing unique, novel, or of statewide interest or importance in a plaintiff successfully pursuing alternative claims of vicarious liability and direct liability against a company that negligently hired, retained, and supervised a

negligent driver or in having the jury assess percentages of fault against the driver and against the driver's company for the damages that the plaintiff suffered.

2. There is no danger of an inflated damages awards when the jury has to determine percentages of fault against an employee and his employer.

Medstar and Ortiz claim the Court of Appeals erred when it failed to find prejudice in the trial court's decision to let Roaf's direct-liability claims against Medstar go to trial and when it failed to find prejudice in introducing evidence related to the supposedly "improper and irrelevant claim" of direct liability on Medstar's part. *PR* at 6. But Medstar and Ortiz misunderstand the steps needed for apportioning fault and assessing damages in an Arizona tort case.

(1). *The first step.* The trial court decides if the defendant owed a duty of care. Here, Ortiz owed a statutory and common-law duty of care to the plaintiff to drive safely. *See* A.R.S. § 28-701(A) (A motorist owes a "duty of all persons to exercise reasonable care for the protection of others."); *American Smelting & Refining Co. v. Wusich*, 92 Ariz. 159, 164-65 (1952) (All motorists have a duty "to comply with applicable traffic regulations and to exercise the care of the ordinary prudent person under the circumstances.").

Medstar is vicariously liable for the acts and omissions Ortiz committed in the scope and course of employment. It is a basic common-law tort concept that, when an employee is driving a company vehicle in the scope and course of employment, the employer is subject to respondeat superior vicarious liability if

the employee drives negligently and causes harm. *Carnes v. Phoenix Newspapers, Inc.*, 227 Ariz. 32, 35 ¶ 9 (App. 2011).

Medstar also had a direct duty of care to hire, retain, and supervise Ortiz in a non-negligent way. Existence of duty is a question for the trial court to resolve. *Gipson v. Kasey*, 214 Ariz. 141, 143 ¶ 9 (2007) (“The first element, whether a duty exists, is a matter of law for the court to decide.”).

(2). *The second step.* The jury determines if the defendant breached a duty of care. Here, Ortiz breached his duty of care by driving negligently. That made him personally liable and made Medstar vicariously liable. Medstar also breached a duty of care by negligently hiring, retaining, and supervising Ortiz. “Whether the defendant has met the standard of care—that is, whether there has been a breach of duty—is an issue of fact that turns on the specifics of the individual case.” *Avitia v. Crisis Preparation and Recovery, Inc.*, 254 Ariz. 213, 217 ¶ 19 (2023) (quoting *Coburn v. City of Tucson*, 143 Ariz. 50, 52 (1984)). In our case, the jury necessarily determined that both Ortiz and Medstar had breached their respective duties of care.

(3). *The third step.* The jury decides if any breach of the duty of care caused or contributed to causing the plaintiff’s damages. The proximate-cause issue is question of fact entrusted to the jury to decide. *Torres v. JAI Dining Services (Phoenix), Inc.*, 252 Ariz. 28, 30 ¶ 11 (2021). In our case, the jury decided the

proximate-cause issue in Roaf's favor.

(4). *The fourth step.* The jury determines the amount of the plaintiff's damages. *CVS Pharmacy, Inc. v. Bostwick*, 251 Ariz. 511, 517 ¶ 18 (2021). Here, the jury determined Roaf had suffered \$4.625 million in damages. (IR-336). It is only after completing the first four steps that the trier of fact deals with assessing percentages of fault.

(5). *The fifth step.* The jury assesses percentages of fault for each defendant that caused or contributed to causing the injury. "Each defendant," after all, "is liable only for the amount of damages allocated to that defendant in direct proportion to that defendant's percentage of fault." A.R.S. § 12-2506(A). There was no right or need to assess percentages of fault against Roaf, since everyone agreed that Roaf did nothing wrong.

(6). *In the sixth step.* A judgment is entered that states each defendant's percentage of fault. A.R.S. § 12-2506(A). To determine the amount to enter against the defendants, the trier of fact multiplies the total amount of plaintiff's damages by the percentage of each defendant's fault. *Id.* The designated amounts are then the maximum amounts that are recoverable against each particular defendant. *Id.*

Here, the jury determined that the employee driver (Ortiz) was 40% at fault and that the employer company (Medstar) was 60% at fault. (IR-336).

Medstar and Ortiz argue it was improper to let the jury consider if Medstar

was negligent in hiring, retaining, and supervising Ortiz because that would somehow supposedly influence the amount of the damages. But there were two liable defendants. For the jury to perform its duty of assessing percentages of fault, the jury had to consider what each defendant had done that caused or contributed to causing the crash. Ortiz drove negligently; Medstar negligently hired, retained, and supervised him. Their respective acts of negligence relate to causation for the collision.

Notably, the “relative degree of fault of the claimant, and the relative degrees of fault of all defendants and nonparties, shall be determined and apportioned as a whole at one time by the trier of fact.” A.R.S. § 12-2506(C). That is, the jury’s determination and apportionment of fault occurs at one time, as a whole, in one proceeding.

The amount of damages Roaf suffered is a question focusing exclusively on Roaf himself—and on no one else. The amount of a plaintiff’s damages are matters solely for the jury to decide. *City of Tucson v. Superior Court*, 161 Ariz. 441, 446 (App. 1989) (“The issue of damages, like the issue of liability, raises questions of fact which only the trier of fact may resolve.”).

The petition for review is unclear why what the jury did was wrong, other than implying that assessing percentages of fault against the employer and against the employer somehow created a risk of “inconsistent legal rules” and somehow

created a “risk of inflated verdicts.” *PR* at 10.

But assessing percentages of fault only occurs *after* the jury has determined the overall amount of damages a plaintiff suffered. That focuses solely on the plaintiff’s injuries resulting from the collision and the damages those injuries have caused the plaintiff to suffer. Because the preliminary questions are whether the plaintiff suffered damages and the amount of the damages, there can be no danger of inflating damages where there is claimed fault on the employee’s part and there is claimed fault on the employer’s part.

Damages are determined *before* any assessment of percentages of fault. Thus, no one can inflate the damages. The jury will simply apportion the damages among the defendants in accordance with their respective percentages of fault.

Once again, Medstar had specifically and unqualifiedly admitted to, and assumed liability for, 100% of the damages that Roaf suffered as a result of the collision. Thus, whether or not Medstar itself was directly liable, Medstar was responsible to pay 100% of the damages the jury awarded to Roaf. *Mem. Dec.* ¶ 10.

We are dealing with one of the most basic aspects of Arizona comparative-fault law. When there is more than one named defendant or properly designated nonparty at fault that contributed to causing a tortious injury, the jury must consider the possible fault of all named defendants and of all properly designated nonparties at fault. Indeed, if the plaintiff was arguably comparatively at fault—a

circumstance not present here—the jury must also consider the plaintiff’s own possible comparative fault.

Indeed, A.R.S. § 12-2506(B) requires the jury “to consider the fault of all persons who contributed to the alleged injury,” not to apportion fault to any one source—as Medstar incorrectly wants. After all, “in a negligence case, the jury is the sole arbiter of fact and law as to the defenses of contributory and comparative negligence.” *Gunnell v. Arizona Pub. Serv. Co.*, 202 Ariz. 388, 394 ¶ 23 (2002).

The main purpose of Rule 26(b)(5) and A.R.S. § 12-2506(B) is to allow “each party to know exactly what every other party in a case is claiming with respect to who caused the injury.” *LyphoMed, Inc. v. Superior Court*, 172 Ariz. 423, 428 (App. 1992). “In assessing percentages of fault,” A.R.S. § 12-2506(B) requires that “the trier of fact shall consider the fault of all persons who contributed to the alleged injury, death or damage to property, regardless of whether the person was, or could have been, named as a party to the suit.”

And so, the trier of fact in our case had the duty to consider the fault of both Medstar and Ortiz in contributing to causing Roaf’s personal injuries. Thus, the trial court properly approved the final jury instructions (IR-337 at Pages 4, 6, 10)—and the jury verdict form (IR-336)—that let the jury assess and allocate percentages of fault against Medstar and Ortiz.

3. There is no reason to even consider adopting the “McHaffie rule.”

Defendants devote much of their argument to advocating adoption of the “*McHaffie* rule”—named for *McHaffie v. Bunch*, 891 S.W.2d 822, 826 (Mo. 1995). In *McHaffie*, the Missouri Supreme Court concluded that the “majority view is that once an employer has admitted respondeat superior liability for a driver’s negligence, it is improper to allow a plaintiff to proceed against the employer on any other theory of imputed liability.” (*McHaffie* is off-base at the start, because it confuses the nature of a claim against an employer for negligent hiring, retention, training, and supervision. That is not an “imputed” liability claim. That is a “direct” liability claim.)

Whatever the merits of the “*McHaffie* rule,” and whether or not it is the “majority rule” the “*McHaffie* rule” cannot defeat or dilute Arizona’s unique comparative-fault law requiring the jury to allocate percentages of fault to each named party that is potentially at fault and to each properly and timely designated nonparty at fault. No “majority rule” can defeat or supersede Arizona’s unique statutory and common-law comparative-fault and apportionment-of-damages rules.

Moreover, a number of jurisdictions have refused to follow the approach outlined in the “*McHaffie* rule.” In 2022, in fact, the Illinois Supreme Court held that: “Courts nationwide are split on whether an employer’s acknowledgment of vicarious liability for its employee’s conduct precludes a plaintiff from raising a cause of action for direct negligence against the employer” and that “caselaw

throughout the country is more evenly divided” than *McHaffie* suggests. *McQueen v. Green*, 202 N.E.3d 268, 278-79 ¶¶ 38, 41, 2022 IL 126666 ¶¶ 38, 41 (Ill. 2022).

And so, the Illinois Supreme Court stated that it “aligns itself with those jurisdictions that reject the *McHaffie* rule” because settled “law allows a plaintiff to plead and prove multiple causes of action.” *Id.*, 202 N.E.3d at 279 ¶ 43, 2022 IL 126666 ¶ 43. Therefore, “so long as a good-faith factual basis exists for a plaintiff’s claim of direct negligence against an employer, the plaintiff should be allowed to pursue such a claim in addition to a claim of vicarious liability.” *Id.*

The Illinois Supreme Court concluded there was: (1) “no reason why a plaintiff should be precluded from seeking to hold an employer vicariously liable for its employee’s negligence, as well as directly liable for its own negligence, separate and apart from its employee’s conduct;” (2) a “potentially meritorious cause of action should not be barred simply because the employer acknowledges vicarious liability for its employee’s misconduct in a separate cause of action;” (3) a trial court is capable of screening out any irrelevant or unfairly prejudicial evidence; and (4) any supposed danger of a double recovery can be prevented by using proper jury instructions or special interrogatories. *Id.*, 202 N.E.3d at 280 ¶¶ 45-47, 2022 IL 126666 at ¶¶ 45-47.

In 2021, after considering many of the problems with the “*McHaffie* rule,” the Utah Supreme Court held it would “ultimately reject the *McHaffie* rule for an

even more basic reason: it is incompatible with Utah’s Liability Reform Act,” which provides that a ““person seeking recovery may recover from any defendant or group of defendants whose fault, combined with the fault of persons immune from suit and nonparties to whom fault is allocated, exceeds the fault of the person seeking recovery.”” *Ramon v. Nebo School District*, 493 P.3d 613, 620 ¶ 25 (Utah 2021) (quoting Utah Code § 78B-5-818(2)).

In 2013, the Nevada federal district court rejected the rationales for the “*McHaffie* rule” because they “overlook the irreducible proposition that the doctrine of vicarious liability and the tort of negligent hiring and supervision address different conduct. The first addresses the conduct of the employee and the second addresses the conduct of the employer.” *Wright v. Watkins and Shepard Trucking, Inc.*, 972 F.Supp.2d 1218, 1220 (D. Nev. 2013).

On the one hand, vicarious liability makes the employer liable for the normal risks of doing business. On the other hand, direct liability for such things as negligent hiring and supervision “makes the employer responsible for any abnormal risks that [the employer itself] creates.” *Id.*

The “*McHaffie* rule” may be suitable for other jurisdictions, but it is not suitable for a comparative-fault jurisdiction such as Arizona. In fact, the “highest courts in Illinois, Kansas, Kentucky, South Carolina, and Utah have not embraced” the “*McHaffie* rule.” *Werner Enterprises, Inc. v. Blake*, 672 S.W.3d 554, 628 n.2

(Tex. App. 2023). Nor should Arizona.

After all, the “*McHaffie* rule” is incompatible with Arizona’s common-law and statutory comparative-fault system, which requires the careful apportionment of fault among *all* possibly liable named parties and properly designated nonparties at fault. “Under comparative negligence, it is necessary for a trier of fact to determine percentages of fault for a plaintiff’s injuries attributable to the negligence of plaintiff, the negligence of each defendant, and the negligence of other nonparties.” *Lorio v. Cartwright*, 768 F.Supp. 658, 660 (N.D. Ill. 1991).

Most important for the discretionary decision whether to grant the petition for review, there is no need to consider adopting the “*McHaffie* rule” for two reasons: *First*, defendants “have not shown that any alleged error” by the trial court in refusing to adopt the “*McHaffie* rule” has “prejudiced them.” *Mem. Dec.* ¶ 10.

Second, because “Medstar assumed liability for 100% of Roaf’s damages resulting from the accident, irrespective of its direct liability for negligently hiring Ortiz . . . if the jury awarded Roaf any damages, Medstar was going to pay 100% of them.” *Mem. Dec.* ¶ 10.

4. The trial court properly denied the motion for new trial.

On a more mundane level, the trial court properly denied the new-trial motion. Courts “review a trial court’s denial of a motion for new trial for abuse of discretion.” *Spring v. Bradford*, 243 Ariz. 167, 170 ¶ 11 (2017). When reviewing

denial of a new-trial motion, a court “does not weigh the evidence,” because that “is the function of the trial court.” *Adroit Supply Co. v. Electric Mut. Liability. Ins. Co.*, 112 Ariz. 385, 390 (1975). Instead, the reviewing court must “determine whether or not there has been an abuse of discretion.” *Id.*

“Courts are not free to reweigh the evidence and set aside the jury verdict merely because the jury could have drawn different inferences or conclusions or because judges feel that other results are more reasonable.” *Soto v. Sacco*, 242 Ariz. 474, 477 ¶ 7 (2017) (quoting *Tennant v. Peoria & Pekin Union Ry. Co.*, 321 U.S. 29, 35 (1944)).

“Motions for new trial are disfavored and should be granted with great caution.” *State v. Rankovich*, 159 Ariz. 116, 121 (1988). A trial court must view the evidence and all reasonable inferences from it in the light most favorable to the non-moving party, and may grant a new-trial motion only upon a showing that there is no probative evidence in the record to support the ultimate verdict. *Dawson v. Withycombe*, 216 Ariz. 84, 95 ¶ 25 (App. 2007). Here, the trial court properly followed all Arizona pro-verdict standards when it denied the new-trial motion. There was no abuse of discretion in denying the new-trial motion.

Trial-court evidence supported assessing fault against the employer and the employee-driver. The fault apportionment was exclusively a jury task jury under A.R.S. § 12-2506(B), which provides that when “assessing percentages of fault *the*

trier of fact shall consider the fault of all persons who contributed to the alleged injury, death or damage to property, regardless of whether the person was, or could have been, named as a party to the suit.” (Emphasis added.)

The Legislature passed A.R.S. § 12-2506(B) “to allow” the jury “to apportion fault among all tortfeasors based on the facts presented at trial.” *Rosner v. Denim & Diamonds, Inc.*, 188 Ariz. 431, 433 (App. 1996). There is no basis for nullifying the jury’s apportionment of fault or for granting a new trial.

Conclusion

Except for the severity of the injuries, this is a humdrum motor-vehicle-collision case. It raises no issues of first impression, statewide interest, or statewide importance. Many Arizona decisions and opinions already control the relevant allocation-of-damages and comparative-fault subjects. Ariz. R. Civ. App. Proc. 23(d)(3). There is no new case law on those subjects. Further, no decision of this Court needs overruling or qualifying; no conflicting decisions of the Court of Appeals need reconciling; the Court of Appeals has correctly decided all of the important issues of law. *Id.*

Finally, Defendants have not established any need for Arizona to adopt the controversial “*McHaffie* rule.” Indeed, even considering adopting the “*McHaffie* rule” is unnecessary to resolving this case. Moreover, on its merits, the “*McHaffie* rule” violates settled Arizona statutory and common-law comparative-fault and

apportionment-of-fault principles.

Roaf asks the Court to refuse to grant the petition and to award to him the costs incurred in responding to the petition, under A.R.S. §§ 12-331, 12-332, 12-341, and 12-342—and Ariz. R. Civ. App. Proc. 21.

DATED this 3rd day of October, 2023.

AHWATUKEE LEGAL OFFICE, P.C.

/s/ David L. Abney, Esq.
David L. Abney
Appellate Counsel for Plaintiff/Appellee

Certificate of Compliance

This document: (1) uses Times New Roman 14-point proportionately spaced typeface for text *and* footnotes; (2) contains 3,468 words (by computer count); and (3) averages less than 280 words per page, including footnotes and quotations.

Certificate of Service

On this date, this document was electronically filed with the Clerk of the Arizona Supreme Court and copies of it were delivered to:

- William H. Doyle, Esq., Brandon D. Millam, Esq., Nathan R. Andrews, Esq., **DOYLE HERNANDEZ MILLAM**, 1313 East Osborn Rd., Suite 220, Phoenix, AZ 85014, wdoyle@doylelawgroup.com, bmillam@doylelawgroup.com, (602) 240-6711, nandrews@doylelawgroup.com, Attnys for Defendants-Appellants Stephen S. Rebeck Consulting, LLC, dba Medstar Medical Transport; Medstar Medical Transportation, LLC dba Medstar Medical Transport; and Francisco J. Celaya Ortiz and Jane Doe Celaya Ortiz,

/s/ David L. Abney, Esq.
David L. Abney