

MINUTES

No. 7157

En Banc

Arizona Supreme Court
Wednesday, September 16, 2020

CR-20-0128-PR

STATE OF ARIZONA v MICHAEL S JONES

(1)

Court of Appeals, Division Two

2 CA-CR 19-0020

ORDERED: Petition for Review = DENIED.

CV-20-0027-PR

DARCIE SCHIRES et al v CATHY CARLAT et al

(2)

Court of Appeals, Division One

1 CA-CV 18-0379

ORDERED: Petition for Review = GRANTED as to these rephrased issues:

1. Did the Court of Appeals err in holding that a private university's promise to invest in its own business is adequate consideration under article IX, section 7 of the Arizona Constitution (the 'Gift Clause')?
2. Did the Court of Appeals err by holding that a commercial real estate firm's renovation of its own property for its own private profit is adequate consideration under the Gift Clause?
3. Did the Court of Appeals err by concluding that economic development is a public purpose under the Gift Clause?

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Schires et al) = CONTINUED.

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 20 days from the date of the Court's Minute Letter. Any amicus briefs are due on or before October 22, 2020, and any responses to amicus briefs are due on or before November 5, 2020. Any amicus briefs or responses may not exceed 20 pages in length.

MINUTES

No. 7157

En Banc

Arizona Supreme Court

Wednesday, September 16, 2020

CV-20-0100-PR

(3)

DAVID C DEWAR et al v HON. COURY/MIDFIRST et al

Court of Appeals, Division One

1 CA-SA 20-0057

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

CV-20-0116-PR

(4)

JEFFREY KLEINMAN et al v BANNER HEALTH et al

Court of Appeals, Division One

1 CA-CV 19-0444

ORDERED: Petition for Review = DENIED.

CR-20-0023-PR

(5)

KIPLING HARRIS v HON. HANNAH/STATE ex rel ADEL

Court of Appeals, Division One

1 CA-SA 19-0265

ORDERED: Petition for Review = DENIED.

Justice Montgomery did not participate in the determination of this matter.

MINUTES

No. 7157

En Banc

Arizona Supreme Court
Wednesday, September 16, 2020

CV-20-0120-PR

CVS PHARMACY et al v HON. BOSTWICK/TUCSON MEDICAL

(6)

Court of Appeals, Division Two

2 CA-SA 20-0012

ORDERED: Petition for Review of Court of Appeals' Denial of Special Action Jurisdiction = GRANTED as to issues 2 and 3 only as rephrased:

(2) Whether a hospital may assert a direct claim against a third party it contends caused personal injuries to its patient, even if the patient is covered by Medicaid.

(3) Whether a pharmacy that self-distributes prescription opioids to its affiliated pharmacies owes a duty to the hospital.

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 20 days from the date of the Court's Minute Letter. Any amicus briefs are due on or before October 22, 2020, and any responses to amicus briefs are due on or before November 5, 2020. Any amicus briefs or responses may not exceed 20 pages in length.

Justice Montgomery did not participate in the determination of this matter.

CV-20-0156-PR

MARIA RUBIO v ICA et al

(7)

Court of Appeals, Division One

1 CA-IC 19-0022

ORDERED: Petition for Review of a Decision of the Court of Appeals (ARCAP Rule 23) = DENIED.

Chief Justice Brutinel did not participate in the determination of this matter.

Vice Chief Justice Timmer and Justice Gould voted to grant review.

MINUTES

No. 7157

En Banc

Arizona Supreme Court
Wednesday, September 16, 2020

CV-20-0158-PR **PEGGY STITH v HON. BAILEY/ENSIGN GROUP INC et al**
(8) *Court of Appeals, Division One* *1 CA-SA 20-0090*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

CV-20-0161-PR **DAVID BERG et al v WEISS & MOY PC et al**
(9) *Court of Appeals, Division One* *1 CA-CV 18-0692*

ORDERED: Appellants' Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants/Cross-Appellees Berg et al) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees/Cross-Appellants Weiss & Moy PC et al) = GRANTED as against Berg only.

CV-20-0166-PR **DANIEL P. v LORI R./E.P.**
(10) *Court of Appeals, Division One* *1 CA-JV 19-0419*

ORDERED: Petition for Review = DENIED.

Justice Montgomery did not participate in the determination of this matter.

MINUTES

No. 7157

En Banc

Arizona Supreme Court
Wednesday, September 16, 2020

CR-18-0583-PR
(11)

STATE OF ARIZONA v ROGER SCOTT HELM JR
Court of Appeals, Division Two 2 CA-CR 18-0062 PRPC

ORDERED: Petition for Review to Arizona Supreme Court = CONTINUED.

Justice Montgomery did not participate in the determination of this matter.

CR-20-0018-PR
(12)

GUSTAVO LAMAR v HON. FINK/STATE ex rel ADEL
Court of Appeals, Division One 1 CA-SA 19-0282

ORDERED: Petition for Review = DENIED.

Justice Montgomery did not participate in the determination of this matter.

CR-20-0050-PR
(13)

STATE OF ARIZONA v ABDULLAH MUJAHID
Court of Appeals, Division Two 2 CA-CR 19-0286 PRPC

ORDERED: Petition for Review = CONTINUED.

MINUTES

No. 7157

En Banc

Arizona Supreme Court

Wednesday, September 16, 2020

CR-20-0117-PR

(14)

STATE OF ARIZONA v HON. COOPER/CHAMBERS

Court of Appeals, Division One

1 CA-SA 20-0012

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = CONTINUED.

Justice Montgomery did not participate in the determination of this matter.

CV-20-0039-PR

(15)

TIMOTHY SLATER v ABOR

Court of Appeals, Division One

1 CA-CV 19-0030

ORDERED: Petition for Review = CONTINUED.

MINUTES

No. 7157

En Banc

Arizona Supreme Court

Wednesday, September 16, 2020

CV-20-0040-PR
(16)

HAROLD VANGILDER et al v ADOR/PINAL COUNTY et al
Court of Appeals, Division One *1 CA-TX 19-0001*

ORDERED: Defendant/Appellee's Petition for Review = GRANTED.

FURTHER ORDERED: Petition for Review of Opinion of Court of Appeals = GRANTED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees/Cross-Appellants Vangilder et al) = CONTINUED.

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 20 days from the date of the Court's Minute Letter. Any amicus briefs are due on or before October 22, 2020, and any responses to amicus briefs are due on or before November 5, 2020. Any amicus briefs or responses may not exceed 20 pages in length.

MINUTES

No. 7157

En Banc

Arizona Supreme Court
Wednesday, September 16, 2020

CV-20-0068-PR
(17)

JOHN R FRANCE v ICA/GILA COUNTY/ACIP

Court of Appeals, Division One

1 CA-IC 18-0047

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 20 days from the date of the Court's Minute Letter. Any amicus briefs are due on or before October 22, 2020, and any responses to amicus briefs are due on or before November 5, 2020. Any amicus briefs or responses may not exceed 20 pages in length.

CV-20-0080-PR
(18)

STEVEN BARSELL v MARICOPA COUNTY MUNICIPAL WATER

Court of Appeals, Division One

1 CA-CV 19-0242

ORDERED: Petition for Review = DENIED.



The foregoing action was taken by the Arizona Supreme Court on
Wednesday, September 16, 2020.

/s/ Hon. Robert Brutinel
Robert Brutinel, Chief Justice

Date: 09/16/2020