

# MINUTES

No. 6772

En Banc

*Arizona Supreme Court*  
Tuesday, January 7, 2020

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**CR-19-0235-PR**

**STATE OF ARIZONA v JESUS RAMON ANTUNEZ SALCIDO**

(1)

*Court of Appeals, Division Two*

*2 CA-CR 18-0219*

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

**CR-19-0294-PR**

**JESUS BUSSO-ESTOPELLAN v HON. ADLEMAN/STATE**

(2)

*Court of Appeals, Division One*

*1 CA-SA 19-0177*

ORDERED: Petition for Review of a Special Action Decision by the Court of Appeals (Capital Case) (Oral Argument Requested) = DENIED.

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

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**CV-19-0116-PR**

**FRANK PICCIOLI et al v CITY OF PHOENIX et al**

(3)

*Court of Appeals, Division One*

*1 CA-CV 16-0690*

ORDERED: Motion for Procedural Order to Consolidate Cases = DENIED.

FURTHER ORDERED: Petition for Review = GRANTED.

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

FURTHER ORDERED: Request for Attorneys' Fees and Costs  
(Appellants/Cross-Appellees City of Phoenix 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 February 10, 2020, and any responses to amicus briefs are due on or before February 24, 2020. Any amicus briefs or responses may not exceed 20 pages in length.

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

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**CV-19-0143-PR**

(4)

**AMERICAN FEDERATION et al v CITY OF PHOENIX et al**

*Court of Appeals, Division One*

*1 CA-CV 18-0027*

ORDERED: Motion for Procedural Order to Consolidate Cases = DENIED.

FURTHER ORDERED: Petition for Review = GRANTED as to Issues 1 and 2 only.

FURTHER ORDERED: Request for Attorneys' Fees and Costs (Appellees City of Phoenix et al) = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees and Costs (Appellants American Federation of State County and Municipal Employees AFL-CIO Local 2384 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 February 10, 2020, and any responses to amicus briefs are due on or before February 24, 2010. Any amicus briefs or responses may not exceed 20 pages in length.

**CV-19-0170-PR**

(5)

**CITY OF TEMPE v STEVEN SUSSEX et ux**

*Court of Appeals, Division One*

*1 CA-CV 18-0149*

ORDERED: Petition for Review = DENIED.

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

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**CR-19-0279-PR**

(6)

**STATE OF ARIZONA v FRANCISCO JAVIER RAMIREZ**

*Court of Appeals, Division Two*

*2 CA-CR 18-0139*

ORDERED: Petition for Review = DENIED.

**CR-19-0281-PR**

(7)

**CHRISTOPHER RIOS v HON. BUTLER/STATE**

*Court of Appeals, Division Two*

*2 CA-SA 19-0026*

ORDERED: Petition for Special Action Review of a Decision of the Pima County Superior Court = DENIED.

**CR-19-0399-PR**

(8)

**CORNEL COOKE v HON. SIPE/STATE ex rel SMITH**

*Court of Appeals, Division One*

*1 CA-SA 19-0236*

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

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**CV-19-0209-PR**  
(9)

**JTF AVIATION et al v CLIFTONLARSONALLEN LLP**  
*Court of Appeals, Division One*                      *1 CA-CV 18-0530*

ORDERED: Petition for Review = GRANTED as to Issue number 3 only.

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 February 10, 2020, and any responses to amicus briefs are due on or before February 24, 2010. Any amicus briefs or responses may not exceed 20 pages in length.

**CV-19-0220-PR**  
(10)

**MICHAEL FRANCIS ROSES LLLP v HON. BLANEY/FRANCIS**  
*Court of Appeals, Division One*                      *1 CA-SA 19-0088*

ORDERED: Petition for Review = DENIED.

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**CV-19-0242-PR**  
(11)

**HELVETICA SERVICING INC v MICHAEL S PASQUAN**  
*Court of Appeals, Division One*                      *1 CA-CV 17-0699*

ORDERED: Appellee's 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 February 10, 2020, and any responses to amicus briefs are due on or before February 24, 2010. Any amicus briefs or responses may not exceed 20 pages in length.

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

**CR-18-0489-PR**  
(12)

**STATE OF ARIZONA v WADE NOLAN CLAY**  
*Court of Appeals, Division One*                      *1 CA-CR 18-0463 PRPC*

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

**CR-18-0583-PR**  
(13)

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

***Consolidated with:***

CR-18-0595-PR                      STATE OF ARIZONA v MARTIN RAUL SOTO-FONG

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

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

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**CR-18-0595-PR**  
(14)

**STATE OF ARIZONA v MARTIN RAUL SOTO-FONG**

*Court of Appeals, Division Two*                      2 CA-CR 18-0181 PRPC

***Consolidated with:***

CR-18-0583-PR                      STATE OF ARIZONA v ROGER SCOTT HELM JR

ORDERED: Petition for Review = CONTINUED.

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

**CR-19-0193-PR**  
(15)

**STATE OF ARIZONA v PABLO ISAAC HERNANDEZ**

*Court of Appeals, Division Two*                      2 CA-CR 18-0042

ORDERED: The State of Arizona's Petition for Review = GRANTED as to Issue A only.

FURTHER ORDERED: Combined Cross-Petition for Review = DENIED.

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 February 10, 2020, and any responses to amicus briefs are due on or before February 24, 2010. Any amicus briefs or responses may not exceed 20 pages in length.

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**CR-19-0219-PR**  
(16)

**STATE OF ARIZONA v ADAM MICHAEL HANCOCK**  
*Court of Appeals, Division Two*                      2 CA-CR 18-0138

ORDERED: Petition for Review to the Arizona Supreme Court = DENIED.

**CR-19-0273-PR**  
(17)

**STATE OF ARIZONA v LARRY GRANT GENTRY**  
*Court of Appeals, Division One*                      1 CA-CR 18-0357

ORDERED: Petition for Review to the Arizona Supreme Court = DENIED.

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

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**CV-19-0115-PR**  
(18)

**STEVEN GIBSON JR v PAUL J THEUT et al**

*Court of Appeals, Division One*

*1 CA-CV 17-0562*

ORDERED: State of Arizona's Motion for Depublication of Court of Appeal's Opinion = GRANTED.

FURTHER ORDERED: Rick Kilfoy and Rick Kilfoy, PLC's Petition for Review = DISMISSED.

FURTHER ORDERED: Petition for Review (Appellee State) = DISMISSED.

FURTHER ORDERED: Petition for Review by Defendants Paul J. Theut; Theut, Theut & Theut, PC; and Maricopa County = DISMISSED.

FURTHER ORDERED: The Court of Appeals' Opinion shall not be published, pursuant to Rule 111(g), Arizona Rules of the Supreme Court.

Justice Gould, Justice Beene and Justice Montgomery did not participate in the determination of this matter.

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**CV-19-0144-PR**  
(19)

**GREG SHEPHERD v COSTCO WHOLESALE CORPORATION**  
*Court of Appeals, Division One*                      *1 CA-CV 18-0072*

ORDERED: Petitioner's/Appellee's/Defendant's Petition for Review = GRANTED as to the following issues, as rephrased:

1. Does A.R.S. § 12-2296 immunize Costco from plaintiff's negligence claim?
2. Does HIPAA inform the standard of care for negligent disclosure of medical information?

FURTHER ORDERED: Greg Shepherd's Cross-Petition for Review =DENIED.

FURTHER ORDERED: Request for Costs (Appellee Costco Wholesale Corporation) = CONTINUED.

FURTHER ORDERED: Request for Costs (Appellant Shepherd) = 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 February 10, 2020, and any responses to amicus briefs are due on or before February 24, 2010. Any amicus briefs or responses may not exceed 20 pages in length.

Justice Gould and Justice Beene did not participate in the determination of this matter.

