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**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:08-cv-01822-MHM
Internal Use Only**

Auble et al v. Maricopa County et al
Assigned to: Judge Mary H Murguia
Case in other court: Maricopa County Superior Court,
CV2008-092102
Cause: 28:1441 Petition for Removal- Personal Injury

Date Filed: 10/03/2008
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

David Auble
*husband and on behalf of SA, a minor,
and DA, a minor*

represented by **Jared Earl Everton**
Jackson White PC
40 N Ctr St
Ste 200
Mesa, AZ 85201
480-464-1111
Fax: 480-464-5692
Email: jeverton@jacksonwhitelaw.com
ATTORNEY TO BE NOTICED

Jeremy Scott Geigle
Jackson White PC
40 N Ctr St
Ste 200
Mesa, AZ 85201
480-464-1111
Fax: 480-464-5692
Email: jgeigle@jacksonwhitelaw.com
ATTORNEY TO BE NOTICED

Plaintiff

Cristy Auble
*wife and on behalf of SA, a minor, and
DA, a minor*

represented by **Jared Earl Everton**
(See above for address)
ATTORNEY TO BE NOTICED

Jeremy Scott Geigle
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Maricopa County
a public entity

represented by **Paul F Lazarus**
Paul F Lazarus PC

3636 N Central Ave
Ste 790
Phoenix, AZ 85012-1942
602-222-4220
Fax: 602-222-4724
Email: pfl@lazaruspc.com
ATTORNEY TO BE NOTICED

Defendant

Maricopa County Sheriff's Office
a division of Maricopa County

represented by **Paul F Lazarus**
Paul F Lazarus PC
1 Columbus Plaza
3636 N Central Ave
Ste 790
Phoenix, AZ 85012-1942
602-222-4220
Fax: 602-222-4724
Email: pfl@lazaruspc.com
ATTORNEY TO BE NOTICED

Defendant

Joseph M Arpaio
Maricopa County Sheriff

represented by **Paul F Lazarus**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Ava Arpaio
wife

represented by **Paul F Lazarus**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Newmark Holdings I, LLC
*a foreign limited liability corporation
doing business as
Amazing Jake's Fun & Food*

represented by **Jay A Fradkin**
Jennings Strouss & Salmon PLC
201 E Washington St
Ste 1100
Phoenix, AZ 85004-2385
602-262-5921
Fax: 602-495-2621
Email: JFradkin@jsslaw.com
ATTORNEY TO BE NOTICED

Defendant

Tehran Ryles
husband

represented by **Paul F Lazarus**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jane Doe Ryles
wife

represented by **Paul F Lazarus**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Doe Officers

Defendant

John Doe Supervisors

Defendant

John Does I-X

Defendant

Jane Does I-X

Defendant

Sheriff's Entity

Defendant

Business Entities I-X

Defendant

Jane Doe Officers

Defendant

Jane Doe Supervisors

Date Filed	#	Docket Text
10/03/2008	1	NOTICE OF REMOVAL of Civil Action Under 28 USC 1441(a) (Federal Question) Filing fee received: \$ 350.00, receipt number 0970000000002272602, filed by Maricopa County; a public entity. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Supplemental Civil Cover Sheet, # 5 Civil Cover Sheet)(Lazarus, Paul) (Entered: 10/03/2008)
10/03/2008		SUMMONS Returned Executed by David Auble, Cristy Auble. Maricopa County served on 9/8/2008; Maricopa County Sheriff's Office served on 9/8/2008; Joseph M Arpaio served on 9/8/2008 (originally filed in Maricopa County Superior Court on 09/12/2008.) (CMH,) (Entered: 10/07/2008)
10/03/2008		SUMMONS Returned Executed by David Auble, Cristy Auble. Tehran Ryles served on 9/11/2008 (originally filed in Maricopa County Superior Court on 09/15/2008.) (CMH,) (Entered: 10/07/2008)
10/03/2008		SUMMONS Returned Executed by David Auble, Cristy Auble. Maricopa County served on 9/11/2008 (originally filed in Maricopa County Superior Court on 09/16/2008.) (CMH,) (Entered: 10/07/2008)
10/03/2008		ANSWER to Complaint by Maricopa County, Maricopa County Sheriff's Office, Joseph M Arpaio, Ava Arpaio, Tehran Ryles, Jane Doe Ryles (originally filed in Maricopa County Superior Court on 09/26/2008.) (CMH,) (Entered: 10/07/2008)

10/03/2008	1	This case has been assigned to the Honorable Mary H. Murguia. All future pleadings or documents should bear the correct case number: CIV 08-1822-PHX-MHM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CMH,) (Entered: 10/07/2008)
10/03/2008	2	Notice of Magistrate Judge Availability Form. (CMH,) (Entered: 10/07/2008)
10/07/2008	3	Notice of Removal Letter to Counsel of Record/Parties from United States District Court, District of Arizona. (CMH,) (Entered: 10/07/2008)
10/07/2008	4	NOTICE TO FILER OF DEFICIENCY re 1 Notice of Removal, filed by Maricopa County. Description of deficiency: Incorrect party role selected. Incorrect party role Defendant selected for David Auble and Cristy Auble. Correct party role is Plaintiff. (CMH,) (Entered: 10/07/2008)
10/08/2008		(Court only) Remark (CD) - Svc as to dft Amazing Jakes due 12/20/08; Ans filed as to county dfts. (KSP) (Entered: 10/08/2008)
11/03/2008	5	MOTION to Dismiss Party Maricopa County Sheriff's Office , <i>a non-jural entity</i> by Maricopa County Sheriff's Office. (Lazarus, Paul) (Entered: 11/03/2008)
11/06/2008	6	MOTION for Summary Judgment by Maricopa County. (Lazarus, Paul) (Entered: 11/06/2008)
11/06/2008	7	STATEMENT of Statement of Facts re 6 MOTION for Summary Judgment by Defendant Maricopa County. (Attachments: # 1 Exhibit 1 Auble Sr (1 of 2), # 2 Exhibit 1 Auble Sr (2 of 2), # 3 Exhibit 2 Auble Cristy (1 of 3), # 4 Exhibit 2 Auble Cristy (2 of 3), # 5 Exhibit 2 Auble Cristy (3 of 3), # 6 Exhibit 3 Auble Jr (1 of 3), # 7 Exhibit 3 Auble Jr (2 of 3), # 8 Exhibit 3 Auble Jr (3 of 3), # 9 Exhibit 4 Auble Sarah (1 of 2), # 10 Exhibit 4 Auble Sarah (2 of 2), # 11 Exhibit 5 Complaint)(Lazarus, Paul) (Entered: 11/06/2008)
11/06/2008	8	ANSWER to Complaint with Jury Demand <i>Separate Answer of Defendant Newmark Holdings I, LLC d/b/a Amazing Jake's Fun & Food</i> by Newmark Holdings I, LLC.(Fradkin, Jay) (Entered: 11/06/2008)
11/06/2008	9	Notice re Defendant Newmark Holdings I, LLC's Notice of Service of Discovery Documents by Newmark Holdings I, LLC (Fradkin, Jay) (Entered: 11/06/2008)
11/13/2008	10	Minute Order: The Court is in receipt of Defendant Maricopa County's Motion for Summary Judgment filed on November 6, 2008 [doc. 6]. The Court refers defense counsel to the Court's Rules of Civil Procedure located on the Court's website, which allows counsel to file only one Motion for Summary Judgment. [This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry.](KSP) (Entered: 11/13/2008)
11/17/2008	11	RESPONSE in Opposition re 5 MOTION to Dismiss Party Maricopa County Sheriff's Office , <i>a non-jural entity</i> filed by David Auble, Cristy Auble. (Geigle, Jeremy) Modified on 11/18/2008 DOCUMENT NOT IN COMPLIANCE WITH LRCivP 7.1(c) - TEXT SEARCHABILITY.

		ATTORNEY NOTICED. (KMG). (Entered: 11/17/2008)
11/18/2008	● <u>12</u>	Notice re 10 that Only One Motion for Summary Judgment Filed by Maricopa County <i>Defendants</i> (Lazarus, Paul) (Entered: 11/18/2008)
11/18/2008	● <u>13</u>	Notice re Service of Uniform Interrogatories to Plaintiffs by Maricopa County (Lazarus, Paul) (Entered: 11/18/2008)
11/19/2008	●	(Court only) Remark (CD) - M2D and MSJ not fully briefed; per MP we'll address motions before setting R16. (KSP) (Entered: 11/19/2008)
11/20/2008	● <u>14</u>	REPLY to Response to Motion re <u>5</u> MOTION to Dismiss Party Maricopa County Sheriff's Office , a <i>non-jural entity</i> filed by Maricopa County Sheriff's Office. (Lazarus, Paul) (Entered: 11/20/2008)
12/08/2008	● <u>15</u>	RESPONSE to Motion re <u>6</u> MOTION for Summary Judgment filed by David Auble, Cristy Auble. (Geigle, Jeremy) (Entered: 12/08/2008)
12/08/2008	● <u>16</u>	STATEMENT of Response to Defendants' Separate Statement of Facts and Controverting Statement of Facts re <u>15</u> Response to Motion <i>For Summary Judgment</i> by Plaintiffs David Auble, Cristy Auble. (Geigle, Jeremy) (Entered: 12/08/2008)
12/18/2008	● <u>17</u>	REPLY to Response to Motion re <u>6</u> MOTION for Summary Judgment filed by Maricopa County, Maricopa County Sheriff's Office, Joseph M. Arpaio, Ava Arpaio, Tehran Ryles and Jane Doe Ryles (The Maricopa County Dfts). (Lazarus, Paul) Modified on 12/19/2008 (LAD). DOCKET ENTRY MODIFIED TO IDENTIFY ADDITIONAL FILERS. (Entered: 12/18/2008)
12/18/2008	● <u>18</u>	REPLY to Controverting Statment of Facts re <u>6</u> MOTION for Summary Judgment filed by Maricopa County Dfts. (Lazarus, Paul) Modified on 12/19/2008 (LAD). INCORRECT EVENT SELECTED. THIS EVENT HAS BEEN MODIFIED FROM REPLY TO RESPONSE TO MOTION TO REPLY. DOCKET TEXT MODIFIED TO REFLECT ADDITIONAL FILERS. (Entered: 12/18/2008)
12/19/2008	●	(Court only) Remark - Motions fully briefed and pending w/ MP. (KSP) (Entered: 12/19/2008)
01/09/2009	● <u>19</u>	Notice re Service of Plaintiffs' Response by David Auble, Cristy Auble re <u>9</u> Other Notice to <i>Newmark Holdings I</i> (Geigle, Jeremy) (Entered: 01/09/2009)
01/09/2009	● <u>20</u>	Notice re of Service by David Auble, Cristy Auble re <u>13</u> Other Notice of <i>Plaintiffs' Response to Maricopa County Defendants</i> (Geigle, Jeremy) (Entered: 01/09/2009)
01/23/2009	●	(Court only) Remark (CD) 1/23/2009 - Motions fully briefed and pending w/ MP. (KSP) (Entered: 01/23/2009)
02/13/2009	● <u>21</u>	NOTICE of Deposition of David Auble, filed by Newmark Holdings I, LLC. (Fradkin, Jay) (Entered: 02/13/2009)
02/18/2009	● <u>22</u>	Notice re Non-Party at Fault by Maricopa County <i>and all Defendants</i>

		(Lazarus, Paul) (Entered: 02/18/2009)
04/13/2009	23	NOTICE of Deposition of Tehran Ryles, filed by all plaintiffs. (Everton, Jared) (Entered: 04/13/2009)
04/21/2009	24	MOTION for Summary Judgment <i>Re Vicarious Liability Claim</i> by Newmark Holdings I, LLC. (Fradkin, Jay) (Entered: 04/21/2009)
04/21/2009	25	STATEMENT of Statement of Facts Supporting Their Motion for Summary Judgment re 24 MOTION for Summary Judgment <i>Re Vicarious Liability Claim</i> by Defendant Newmark Holdings I, LLC. (Attachments: # 1 Exhibit Exhibit 1)(Fradkin, Jay) (Entered: 04/21/2009)
04/29/2009	26	(Court only) Remark (CD) 4/29/2009 - Motions pending w/ MP. (KSP) (Entered: 04/29/2009)
05/07/2009	26	Notice re Service of Supplemental Discovery Responses by David Auble, Cristy Auble (Everton, Jared) (Entered: 05/07/2009)
05/20/2009	27	RESPONSE to Motion re 24 MOTION for Summary Judgment <i>Re Vicarious Liability Claim</i> filed by David Auble, Cristy Auble. (Geigle, Jeremy) (Entered: 05/20/2009)
05/20/2009	28	STATEMENT of Controverting Statement of Facts re 27 Response to Motion for Summary Judgment re: <i>Vicarious Liability Claim</i> by Plaintiffs David Auble, Cristy Auble. (Attachments: # 1 Exhibit A)(Geigle, Jeremy) (Entered: 05/20/2009)
06/08/2009	29	STIPULATION for Extension of Time to File Reply to Its Motion To Dismiss Re: <i>Vicarious Liability Claims</i> by Newmark Holdings I, LLC. (Attachments: # 1 Text of Proposed Order)(Fradkin, Jay) (Entered: 06/08/2009)
06/11/2009	30	REPLY in Support re 24 MOTION for Summary Judgment <i>Re Vicarious Liability Claim</i> filed by Newmark Holdings I, LLC. (Krishna, Sunita) (Entered: 06/11/2009)
06/11/2009	31	STATEMENT of SUPPLEMENTAL STATEMENT OF FACTS SUPPORTING ITS REPLY TO ITS MOTION FOR SUMMARY JUDGEMENT RE: VICARIOUS LIABILITY CLAIMS re 30 Reply in Support of Motion by Defendant Newmark Holdings I, LLC. (Attachments: # 1 Exhibit 1)(Krishna, Sunita) (Entered: 06/11/2009)
06/12/2009	32	ORDER pursuant to 29 Stipulation : Amazing Jake's shall have up to and including Thursday, June 11, 2009, to reply to its Motion to Dismiss Re: Plaintiffs' Vicarious Liability Claims. Signed by Judge Mary H Murguia on 6/10/09. (DMT,) (Entered: 06/12/2009)
06/19/2009	33	(Court only) Remark (CD) 6/19/2009 - Motions pending w/ MP. (KSP) (Entered: 06/19/2009)
06/24/2009	33	Notice re Service of Discovery Documents by Newmark Holdings I, LLC (Fradkin, Jay) (Entered: 06/24/2009)
07/29/2009	34	Notice re Service Offer of Judgment by Maricopa County (Lazarus, Paul)

		(Entered: 07/29/2009)
09/30/2009	35	ORDER certifying a question of Arizona law to the Arizona Supreme Court. It is further ordered dismissing without prejudice Dft Maricopa County Sheriff's Office 5 Motion to Dismiss, and granting it leave to re-urge the motion once the Arizona Supreme Court has certified the above-stated question or otherwise declines certification. Signed by Judge Mary H Murguia on 09/29/09.(ESL) (Entered: 09/30/2009)
09/30/2009		(Court only) Copy of document number 35 mailed to Clerk of the Arizona Supreme Court on this date. (ESL,) (Entered: 09/30/2009)
09/30/2009	36	ORDER denying Dft Maricopa County's 6 Motion for Summary Judgment. Further ordered denying Dft Newmark Holdings's 24 Motion for Summary Judgment. Signed by Judge Mary H Murguia on 09/29/09.(ESL) (Entered: 09/30/2009)
10/06/2009	37	NOTICE of Settlement by Cristy Auble, David Auble (Everton, Jared) (Entered: 10/06/2009)
10/13/2009	38	ORDER signed by Judge Mary H Murguia on 10/7/09. The Court having been advised that this case has settled.IT IS ORDERED that this matter will be dismissed with prejudice within 30 days of the date of this order unless a stipulation to dismiss is filed prior to the dismissal date. IT IS FURTHER ORDERED that the Clerk of Court shall dismiss the above matter within 30 days from the date of this order. IT IS FURTHER ORDERED vacating all pending deadlines/hearings, and denying as moot all pending motions. Possible Dismissal due by 11/13/2009.(KSP) (Entered: 10/13/2009)