



## EILEEN GILBRIDE

### PARTNER

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#### Areas of Practice:

Appeals  
Educational Institutions Defense  
Governmental Liability  
Medical Liability & Health Care  
Wrongful Death & Personal Injury Defense

#### Industries Served:

Aviation  
Construction  
Education  
Government & Public Entities  
Homeowner Associations  
Insurance  
Manufacturers  
Medical Service Providers  
Professional Service Providers  
Recreation & Amusement  
Retail & Hospitality  
Transportation

Eileen Gilbride leads the firm's Appellate Department, and focuses her practice on representing clients in federal and state appellate matters and dispositive motions. She also counsels and assists trial lawyers in the substantive areas of their practices, from the answer stage through the post-trial motion stage. Eileen has handled over 500 appeals at every level of the state and federal courts, in Arizona and other states, which have resulted in more than 80 published decisions.

Substantive areas of her appeals include constitutional, contracts, torts, insurance coverage and defense, employment, municipal and school defense, civil rights, prisoner cases, professional malpractice, Indian law, legislative, administrative, personal injury, wrongful death, divorce, child custody and support, property rights and trusts.

Eileen has spoken at many seminars, is a former Judge Pro Tempore, is a past Chair of the State Bar Appellate Practice Section, a past Chair of the Arizona Supreme Court Committee on Examinations and is recognized as one of *The Best Lawyers in America*® in the area of appellate law.

## REPRESENTATIVE CASES

### Ninth Circuit

Window Rock Unified School District v. Reeves, 861 F.3d 894 (9<sup>th</sup> Cir. 2017).  
Mendiola-Martinez v. Arpaio, 836 F.3d 1239 (9<sup>th</sup> Cir. 2016).  
Melendres v. Arpaio, 784 F.3d 1254 (9<sup>th</sup> Cir. 2015).  
Wagner v. County of Maricopa, 2012 WL 5668692 (9<sup>th</sup> Cir. 2012).  
Lacey v. Maricopa County, 693 F.3d 896 (9<sup>th</sup> Cir. 2012).  
R.P. v. Prescott Unified Sch. Dist., 631 F.3d 1117 (9<sup>th</sup> Cir. 2011).  
Byrd v. Maricopa County Sheriff's Dep't, 629 F.3d 1135 (9<sup>th</sup> Cir. 2011).  
Simmons v. Navajo County, 609 F.3d 1011 (9<sup>th</sup> Cir. 2010).  
Knappenberger v. City of Phoenix, 566 F.3d 936 (9<sup>th</sup> Cir. 2009).  
Pannebecker v. Liberty Life Assur. Co., 542 F.3d 1213 (9<sup>th</sup> Cir. 2008).  
Ferguson v. City of Phoenix, 157 F.3d 668 (9<sup>th</sup> Cir. 1998).  
America West Airlines, Inc. v. GPA Group, Ltd., 877 F.2d 793 (9<sup>th</sup> Cir. 1989).

### Other Circuits

Allen v. Minnstar, Inc., 8 F.3d 1470 (10<sup>th</sup> Cir. 1993).  
Bacchus Industries, Inc. v. Arvin Industries, Inc., 939 F.2d 887 (10<sup>th</sup> Cir. 1991).

#### Arizona District Court

Atencio v. Arpaio, 161 F. Supp. 3d 789 (D. Ariz. 2015).  
GEICO General Ins. Co. v. Tucker, 71 F. Supp. 3d 985 (D. Ariz. 2014).  
Prison Legal News v. Babeu, 933 F. Supp. 2d 1188 (D. Ariz. 2013).  
Kanelos v. County of Mohave, 2012 WL 3871571 (D. Ariz. Sept. 6, 2012).  
Ariz. Contrs. Ass'n, Inc. v. Candelaria, 534 F. Supp. 2d 1036 (D. Ariz. 2008).  
Normandeau v. City of Phoenix, 516 F. Supp. 2d 1054 (D. Ariz. 2005).  
Rubino v. De Freitas, 638 F. Supp. 182 (D. Ariz. 1986).

#### Arizona Supreme Court

Swift Transportation Co. of Arizona L.L.C. v. Carman in & for Cnty. of Yavapai, \_\_\_ Ariz. \_\_\_, 515 P.3d 685 (Ariz. 2022).  
McDaniel v. Payson Healthcare Mgmt., Inc., 253 Ariz. 250, 512 P.3d 998 (2022).  
Banner Univ. Med. Ctr. Tucson Campus, LLC v. Gordon, 252 Ariz. 264, 502 P.3d 30 (2022).  
Sampson v. Surgery Ctr. of Peoria, LLC, 251 Ariz. 308, 491 P.3d 1115 (2021).  
Sholem v. Gass, 248 Ariz. 281, 460 P.3d 273 (2020).  
Arizona ex rel. Brnovich v. Maricopa Cty. Comm. Coll. Dist. Bd., 243 Ariz. 539, 416 P.3d 803 (2018).  
City of Phoenix v. Glenayre Electronics, \_\_\_ Ariz. \_\_\_, 393 P.3d 919 (2017).  
Baker v. Univ. Physicians Healthcare, 231 Ariz. 379, 296 P.3d 42 (2013).  
Ochser v. Funk, 228 Ariz. 365, 266 P.3d 1061 (2011).  
Estate of DeSela v. Prescott Unified Sch. Dist. 226 Ariz. 387, 249 P.3d 767 (2011).  
Seisinger v. Siebel, 220 Ariz. 85, 203 P.3d 483 (2009).  
Kohl v. City of Phoenix, 215 Ariz. 291, 160 P.3d 170 (2007).  
Estate of Winn v. Plaza Healthcare, Inc., 214 Ariz. 149, 150 P.3d 236 (2007).  
Falcon v. Maricopa County, 213 Ariz. 525, 144 P.3d 1254 (2006).  
Paradigm Ins. Co. v. Langerman Law Offices, P.A., 200 Ariz. 146, 24 P.3d 593 (2001).  
Doe v. State, 200 Ariz. 174, 24 P.3d 1269 (2001).  
Martinez v. Binsfield, 196 Ariz. 466, 999 P.2d 810 (2000).  
Panzino v. City of Phoenix, 196 Ariz. 442, 999 P.2d 198 (2000).  
Cunningham v. Goettl Air Conditioning, Inc., 194 Ariz. 236, 980 P.2d 489 (1999).  
Nolde v. Frankie, 192 Ariz. 276, 964 P.2d 477 (1998).  
Hutcherson v. City of Phoenix, 192 Ariz. 51, 961 P.2d 449 (1998).  
Siddons v. Business Props. Dev. Co., 191 Ariz. 158, 953 P.2d 902 (1998).  
Hull v. Albrecht, 190 Ariz. 520, 950 P.2d 1141 (1997).  
Aesthetic Property Maintenance v. Capital Indem. Corp., 183 Ariz. 74, 900 P.2d 1210 (1995).  
Salt River Project Agric. Improvement & Power Dist. v. Apache County, 172 Ariz. 337, 837 P.2d 139 (1992).  
El Paso Elec. Co. v. Maricopa County, 172 Ariz. 335, 837 P.2d 137 (1992).  
Phoenix Control Sys. v. Insurance Co. of N. Am., 165 Ariz. 31, 796 P.2d 463 (1990).

#### Arizona Court of Appeals

Brucklier v. Brucklier, 2022 WL 3650691 (Ariz. Ct. App. Aug. 25, 2022).  
Huey v. Huey, \_\_\_ Ariz. \_\_\_, 516 P.3d 9 (Ariz. Ct. App. 2022).  
Rosenberg v. Sanders, 253 Ariz. 279, 512 P.3d 1027 (Ct. App. 2022).  
Coleman v. Amon, 252 Ariz. 107, 498 P.3d 638 (Ct. App. 2021).  
Banner Univ. Med. Ctr. Tucson Campus, LLC v. Gordon, 249 Ariz. 132, 467 P.3d 257 (App. 2020).  
McDaniel v. Payson Healthcare Mgmt., Inc., 250 Ariz. 199, 477 P.3d 123 (App. 2020).  
Clayton by and through Sherman v. Kenworthy, 250 Ariz. 65, 475 P.3d 310 (App. 2020).  
Martin v. Staheli, 248 Ariz. 87, 457 P.3d 53 (App. 2019).  
Lehn v. Al-Thanyayan, 246 Ariz. 277, 438 P.3d 646 (App. 2019).  
McClendon v. McClendon, 243 Ariz. 399, 408 P.3d 440 (App. 2017).  
Passmore v. McCarver,

242 Ariz. 288, 395 P.3d 297 (App. 2017).  
Stafford v. Burns, 241 Ariz. 474, 389 P.3d 76 (App. 2017).  
St. George v. Plimpton, 241 Ariz. 163, 384 P.3d 1243 (App. 2016).  
Villasenor v. Evans, 241 Ariz. 300, 386 P.3d 1273 (App. 2016).  
Carter v. Pain Center of Arizona, P.C., 2016 WL 8253002 (Ariz. Ct. App. May 10, 2016).  
KCI Restaurant Mgmt LLC v. Holm Wright Hyde & Hays PLC, 236 Ariz. 485, 341 P.3d 1156 (App. 2014).  
Gries v. Plaza Del Rio Mgmt Corp., 236 Ariz. 8, 335 P.3d 530 (App. 2014).  
Nash v. Nash, 232 Ariz. 473, 307 P.3d 40 (App. 2013).  
Yanes v. Maricopa County, 231 Ariz. 281, 294 P.3d 119 (App. 2012).  
MacMillan v. Schwartz, 226 Ariz. 584, 250 P.3d 1213 (App. 2011).  
Blevins v. Gov't Empl. Ins. Co., 250 Ariz. 227, 250 P.3d 227 (App. 2011).  
Short v. Dewald, 226 Ariz. 88, 244 P.3d 92 (App. 2010).  
Morris v. Giovan, 225 Ariz. 582, 242 P.3d 181 (App. 2010).  
Ochser v. Funk, 225 Ariz. 484, 240 P.3d 1246 (App. 2010).  
Winn v. Plaza Healthcare Inc., 225 Ariz. 275, 237 P.3d 628 (App. 2010).  
Yeung v. Maric, 224 Ariz. 499, 232 P.3d 1281 (App. 2010).  
Solimeno v. Yonan, 224 Ariz. 74, 227 P.3d 481 (App. 2010).  
Advanced Cardiac Specialists v. Tri-City Cardiology Consultants, P.C., 222 Ariz. 383, 214 P.3d 1024 (App. 2009).  
In re Jury Selection Process in Maricopa County, 220 Ariz. 526, 207 P.3d 779 (App. 2009).  
Sanchez v. Tucson Orthopaedic Inst., P.C., 220 Ariz. 37, 202 P.3d 502 (App. 2008).  
Jones v. Cochise County, 218 Ariz. 372, 187 P.3d 97 (App. 2008).  
Graffiti-Valenzuela v. City of Phoenix, 216 Ariz. 454, 167 P.3d 711 (App. 2007).  
Gorney v. Meaney, 214 Ariz. 226, 150 P.3d 799 (App. 2007).  
Filer v. Tohono O'odham Nation Gaming Enter., 212 Ariz. 167, 129 P.3d 78 (App. 2006).  
Nelson v. Grayhawk Props. L.L.C., 209 Ariz. 437, 104 P.3d 168 (App. 2004).  
Bergeron ex rel Perez v. O'Neil, 205 Ariz. 640, 74 P.3d 952 (App. 2003).  
Am. Cas. Co. of Reading v. D.L. Withers Constr., L.C., 204 Ariz. 382, 64 P.3d 210 (App. 2003).  
R.E. Monks Constr. Co. v. Aetna Cas. & Sur. Co., 189 Ariz. 575, 944 P.2d 517 (App. 1997).  
Murphy v. Board of Med. Exam'rs, 190 Ariz. 441, 949 P.2d 530 (App. 1997).  
Tollenaar v. Chino Valley Sch. Dist., 190 Ariz. 179, 945 P.2d 1310 (App. 1997).  
Henry v. Cook, 189 Ariz. 42, 938 P.2d 91 (App. 1996).  
Kiley v. Jennings, Strouss & Salmon, 187 Ariz. 136, 927 P.2d 796 (App. 1996).  
Davis v. Discount Tire Co., 182 Ariz. 571, 898 P.2d 520 (App. 1995).  
Rudolph v. Arizona B.A.S.S. Fed'n, 182 Ariz. 622, 898 P.2d 1000 (App. 1995).  
JV-502820 v. Superior Court, 181 Ariz. 243, 889 P.2d 36 (App. 1995).  
Soos v. Superior Court, 182 Ariz. 470, 897 P.2d 1356 (App. 1994).  
McGuire v. DeFrancesco, 168 Ariz. 88, 811 P.2d 340 (App. 1990).  
Hibbs ex rel. Arizona Dep't of Revenue v. Chandler Ginning Co., 164 Ariz. 11, 790 P.2d 297 (App. 1990).  
Brown v. Arizona Pub. Serv. Co., 164 Ariz. 4, 790 P.2d 290 (App. 1990).  
Gonzales v. Arizona Pub. Serv. Co., 161 Ariz. 84, 775 P.2d 1148 (App. 1989).  
Arizona Tax Research Ass'n v. Maricopa County, 162 Ariz. 94, 781 P.2d 71 (App. 1989).  
Revco D.S. v. Brooks, 157 Ariz. 570, 760 P.2d 570 (App. 1988).  
Valley Nat'l Bank v. Cotton Growers Hail Ins., 155 Ariz. 526, 747 P.2d 1225 (App. 1987).  
Marco Crane & Rigging v. Arizona Corp. Comm'n, 155 Ariz. 292, 746 P.2d 33 (App. 1987).  
Coldwell Banker Commercial Group v. Camelback Office Park, 156 Ariz. 214, 751 P.2d 530 (App. 1987).  
Cooke v. Berlin, 153 Ariz. 220, 735 P.2d 830 (App. 1987).  
Hirsch v. Cooper, 153 Ariz. 454, 737 P.2d 1092 (App. 1986).

#### Other States

Adams v. Corr. Corp. of Am., 187 P.3d 1190 (Colo. App. 2008).  
Sam v. Estate of Benny Sam, 139 N.M. 474, 134 P.3d 761 (N.M. 2006).

#### PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- Maricopa County Superior Court, Judge Pro Tem, 1993-2006
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Arizona Court of Appeals, Judge Pro Tem, 1994, 1996

- Maricopa County Superior Court, Commissioner Pro Tem, 1990-1991
- Arizona State Bar Appellate Practice Section, Chair, 1996-1997
- Arizona Appellate Practice Institute, Faculty Member
- Supreme Court Committee on Examinations, Chair, 1998-2000; Member, 1993-2000 and 2001-2003; Grader, 1990-1993
- Supreme Court Advisory Committee for the Admission on Motion Course on Arizona Law
- Arizona Women Lawyers Association, Member

### **PROFESSIONAL RECOGNITION & AWARDS**

- *Southwest Super Lawyers*, 2014-2022
- *Best Lawyers in America*®, Appellate Practice, 2009-2023; Personal Injury Litigation – Defendants, 2022-2023
- *Phoenix Magazine Top Lawyers*, Appellate Law, 2022
- Arizona's Finest Lawyers, 2010
- Corporate Counsel's "Top Lawyers" for Appellate Law, 2009-Present
- Best Arizona Attorneys, 2012
- AV® Preeminent™ Rated on Martindale Hubbell

### **PRESENTATIONS & PUBLICATIONS**

Eileen is a frequent speaker on the subjects of appellate practice, legal writing, the art of persuasion, and governmental liability issues.

### **EDUCATION**

Cornell Law School, J.D., 1983

Sarah Lawrence College, B.A., Liberal Arts, 1980

### **BAR ADMISSIONS**

Arizona

U.S. Supreme Court

U.S. Court of Appeals, Sixth, Ninth, Tenth, Federal and D.C. Circuits

U.S. District Court, District of Arizona