



JONATHAN BARNES

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Areas of Practice:

Appeals
Educational Institutions Defense
General Civil Litigation
Governmental Liability
Insurance Coverage & Third-Party Liability
Premises Liability

Industries Served:

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

Jon is a clerkship-trained appellate lawyer with significant experience handling federal and state appeals in all types of civil litigation, including insurance bad faith, medical malpractice, governmental liability, premises liability, employment, family law, and torts. In addition to briefing and arguing appeals, Jon also assists trial counsel with crafting litigation strategy, preserving the record for appeal, and preparing and arguing complex motions.

REPRESENTATIVE CASES

- Affirming City of Yuma's motion to dismiss in Section 1983 case where plaintiff alleged his vehicle was improperly seized in civil asset forfeiture proceeding. *Angulo-Murrieta v. City of Yuma*, 2021 WL 1185909 (App. Mar. 30, 2021), as amended (Mar. 31, 2021).
- Affirming summary judgment for commercial building tenant in premises liability case where plaintiff fell through a roof skylight. *Dabush v. Seacret Direct LLC*, 250 Ariz. 264, 478 P.3d 695 (2021).
- Affirming summary judgment for HOA and property management company in defamation and abuse of process case. *Goldman v. Sahl*, 248 Ariz. 512, 462 P.3d 1017 (App. 2020), review denied (Aug. 25, 2020).
- Granting summary judgment for La Quinta based on immunity in police shooting case where plaintiffs alleged hotel staff negligently communicated information to police regarding decedent. *Sweet v. City of Mesa*, 2019 WL 3532187, at *3 (D. Ariz. Aug. 2, 2019).
- Granting summary judgment for insurer based on non-compliant *Morris*-type agreement between insured and insured's purported assignee in case alleging breach of contract and insurance bad faith. *Country Mut. Ins. Co. v. Martinez*, 2019 WL 1787313 (D. Ariz. Apr. 24, 2019).
- Holding mistake concerning identity of correct defendant, under Rule 15's relation-back rule, could be based on mistake of fact or law. *Flynn v. Campbell*, 243 Ariz. 76, 402 P.3d 434 (2017).
- Affirming summary judgment for real estate broker in wrongful death case where Plaintiff claimed Defendant was vicariously liable for the agent's negligence. *Santorii v. MartinezRusso, LLC*, 240 Ariz. 454, 381 P.3d 248 (App. 2016).
- Granting summary judgment for City of Yuma in police excessive force case. *Esquivel v. City of Yuma*, 2016 WL 1719954 (D. Ariz. Apr. 29, 2016).
- Affirming defense verdict and upholding affirmative defense of intoxication under ARS 12-711 against constitutional challenges in case involving fight between hockey game spectators. *Franklin v. Clemett*, 240 Ariz. 587, 382 P.3d 802 (App. 2016).
- Affirming dismissal of school district based on the plaintiffs' failure to comply with the requirements of Arizona's notice of claim statute, A.R.S. § 12-821.01. *Austin v. Peoria Unified Sch. Dist.*, 2015 WL 967960 (App. Mar. 5, 2015) (mem. dec.).
- Medical malpractice case holding Rule 59's time limit requires a final, appealable judgment before it starts to run. *Jaynes v. McConnell*, 238 Ariz. 211, 358 P.3d 632 (App. 2015).
- Accepting special action jurisdiction and directing the trial court to enter summary judgment for county manager on qualified immunity grounds in defamation/negligence case. *Pinal County v. Cooper ex rel. County of Maricopa*, 238 Ariz. 346, 360 P.3d 142 (App. 2015).
- Affirming summary judgment for subcontractors based on lack of privity where homeowners sued for breach of implied warranty. *Yanni v. Tucker Plumbing, Inc.*, 233 Ariz. 364, 312 P.3d 1130 (App. 2013).
- Holding trial court properly applied ARS 33-441 to invalidate a CCR provision prohibiting the posting of "for sale" signs that was recorded before 2009, and that the court's order did not violate the contract clauses of the United States or Arizona constitutions. *Hawk v. PC Vill. Ass'n, Inc.*, 233 Ariz. 94, 309 P.3d

918 (App. 2013).

- Holding (1) review of whether Governor complied with legal standards in removing IRC Chairperson was not barred by political question doctrine, and (2) Governor's stated grounds for removing Chairperson, i.e., substantial neglect of duty and gross misconduct in office, were constitutionally deficient. *Arizona Indep. Redistricting Comm'n v. Brewer*, 229 Ariz. 347, 275 P.3d 1267 (2012).

CIVIC & COMMUNITY ASSOCIATIONS

- *Best Lawyers in America: Ones to Watch*®, Appellate Practice, 2021-2023; Commercial Litigation, Medical Malpractice Law – Defendants, 2022-2023

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- Young Lawyer Division of the Arizona State Bar, Appellate Practice Section liaison
- Former Appellate Practice Section Liaison

PROFESSIONAL RECOGNITION & AWARDS

- *Best Lawyers in America: Ones to Watch*®, *Commercial Litigation, Medical Malpractice Law – Defendants, 2021-2023*; Appellate Practice 2023

PRESENTATIONS & PUBLICATIONS

- Since 2014, Jon has authored the "Appellate Highlights" section for our firm's publication, [JSH Reporter](#).
- "[Intro to Intros How to Write the Winning Preliminary Statement](#)," *Arizona Attorney Magazine*, April 2022
- "Judgment Day: Tips for Terminating Trial Court Proceedings and Shaping the Issues on Appeal," Co-Presenter, Tucson Defense Bar, April 2019
- "[Appellate Tip: State Court Motions to Compel & For Protective Orders Under the New Rule Changes](#)," Author, October 2018
- "Appellate Law Update," Co-Presenter, AADC Advocacy Lunch, September 2018
- "[Appellate Tip: Check Your Judge's Online Court Protocol](#)," Author, February 2018
- "[Appellate Tip: How to Draft a Proposed Form of Judgment Under the New Rules](#)," Author, January 2017
- "[Appellate Tip: Finalizing Arbitration Awards—Be Sure to Follow Through!](#)" Author, October 2016
- "[Appellate Tip: Ensure Your Summary Judgment Pleadings Are Ready For Appeal](#)," Co-Author, September 20
- "Judgment Day: Tips for Terminating Trial Court Proceedings and Shaping the Issues on Appeal," Co-Presenter, 2017 AADC Annual Meeting, June 2017
- "Case Law Update—LIVE!" Co-Presenter, Current Issues in Governmental Liability Seminar, November 2015
- "Are You Smarter than a Claimant's Lawyer? Learning to Identify the Essential Elements of a Valid Notice of Claim," Presenter, JSH Annual Seminar: Current Issues in Governmental Liability, November 2014
- "Privity of Contract Is Still the Rule for Breach-of-Implied-Warranty Claims Against Subcontractors, Even for New Home Construction," Author, JSH Reporter, Summer 2014
- "Current Issues/Case Law Update," Co-Presenter, Arizona Counties Insurance Pool's 16th Annual Public Practice Legal Seminar, May 2013

EDUCATION

Arizona State University, Sandra Day O'Connor College of Law, 2010

Northern Arizona University B.A., Philosophy, 2004

BAR ADMISSIONS

Arizona, 2010

California (inactive), 2011

U.S. District Court, District of Arizona

U.S. Court of Appeals, Ninth Circuit

Utah