

Court of Appeals, Division One

Civil Appeal

1 CA-CV 14-0691

ROUSH v. GREGORY et al.

Appellate Case Information

Case Filed: 24-Oct-2014

Case Closed: 18-May-2016

Reinstated x 1: 14-Jul-2016 Decision

Re-Closed:

Dept/Composition

Department E

Hon. Diane M Johnsen
Hon. Patricia A Orozco
Hon. Kenton D Jones

Side 1. WILLIAM F. ROUSH, a single man, Plaintiff/Appellant

(Litigant Group) WILLIAM FRANCIS ROUSH

- William Francis Roush PRO SE

Side 2. A. NEAL GREGORY, M.D., MPH and JOE DOE GREGORY, husband and wife; BRENT D. SLOTEN, D.O. and JANE DOE SLOTEN, husband and wife; ALLURE DERMATOLOGY, Defendant/Appellee

(Litigant Group) A NEAL GREGORY et al.

- A Neal Gregory
Brent D Sloten
Allure Dermatology

Attorneys for: Defendants/Appellees

James Arthur Eaves, Esq. (AZ Bar No. 19748)

Robin E Burgess, Esq. (AZ Bar No. 15330)

CASE STATUS

Jan 9, 2017.....Pending in ASC

Jul 14, 2016.....Reinstated Case

PREDECESSOR CASE(S)

Table with 6 columns: Case ID, Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR CV2013-012317, Unclassified Civil, David O Cunanan, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-16-0205-PR

CASE DECISION

12-Apr-2016 MEMORANDUM DECISION

Patricia Orozco.....Author

Diane Johnsen.....Concur

Kenton Jones.....Concur

Filed: 12-Apr-2016

Mandate:

Decision Disposition

Affirmed

68 PROCEEDING ENTRIES

- 1. 24-Oct-2014 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 09/12/14
2. 24-Oct-2014 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 10-Nov-2014 ORDERED: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E).
4. 10-Nov-2014 FILED: Correction of: 'Plaintiff Submits his Motion of Appeal' (Appellant Pro Per)
5. 12-Nov-2014 FILED: Motion to Enter Appellant Docketing Statement/Motion Waiver of Rule Requirements/Motion Leave of Court (Appellant Pro Per)
6. 17-Nov-2014 ORDERED: denying appellant's request for a hearing. FURTHER ORDERED: Per Eaton Fruit, appeal stayed to/incl. 1/5/15.

Court of Appeals, Division One**Civil Appeal****1 CA-CV 14-0691****ROUSH v. GREGORY et al.****68 PROCEEDING ENTRIES**

7. 25-Nov-2014 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee)
8. 28-Nov-2014 FILED: Appellant's/Response to 11/10/14 courts Order w/ Deferral/Waiver Application (Appellant Pro Per)
9. 28-Nov-2014 FILED: Appellant Motions "order" the Clerk of the Court (Appellant Pro Per)
10. 28-Nov-2014 FILED: Application for Deferral or Waiver of Court Fees and/or Costs and Consent to Entry of Judgment (Appellant, Pro Per)
11. 2-Dec-2014 RECEIPT No.: 2014-01478 ; \$140.00, Authorization: #35018107970, Applied to: A NEAL GREGORY et al. - Class B Filing Fee (\$140.00) Paid for: Sanders & Parks PC - By Integrated Resource Systems IN
12. 3-Dec-2014 ORDERED: denying appellant's motions to respond and to provide appellant with documents including transcripts. Appellant is reminded that pursuant to this court's 11/17/14 order, this appeal is currently stayed and he must file an application with the superior court for a signed order with a certification of finality pursuant to Rule 54(c). Melina Brill ProTem Judge - Author
13. 5-Dec-2014 FILED: Plaintiff Opposes Defendants Notice of Payment of Filing Fee by Default by Strict Performance Standards (Appellant Pro Per)
14. 10-Dec-2014 ORDERED: Denying Plaintiff Opposes Defendants Notice of Payment of Filing Fee by Default by Strict Performance Standards. Melina Brill ProTem Judge - Author
15. 30-Dec-2014 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes Civil Appeals Docketing Statement filed 11/12/14)
16. 31-Dec-2014 FILED: Motion to Stay Appeal (Appellant Pro Per)
17. 6-Jan-2015 ORDERED: continuing stay of appeal to/including 2/5/15, to allow appellant to apply for a signed ordered w/ a certification of finality re: Rule 54(c). FURTHER ORDERED: Appeal will be automatically reinstated on 2/6/15. If signed order w/ Rule 54(c) language has entered, appeal will proceed, opening brief will be due on 3/9/15. FURTHER ORDERED: Appellant shall file a copy of the signed order w/in 10 days after its entry. FURTHER ORDERED: if a signed order has not been entered in superior court to 2/6/15, appeal shall be dismissed. Melina Brill ProTem Judge - Author
18. 26-Jan-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Minute Entry re: final Judgment filed on 1/21/15)
19. 2-Feb-2015 FILED: Motion for Entry of Order Pursuant to Ariz. R. Civ. P. 5 4(c) (Appellant Pro Per)
20. 2-Feb-2015 FILED: Certificate of Mailing re: Motion for Entry of Order Pursuant to Ariz. R. Civ. P. 54 (c)
21. 2-Feb-2015 FILED: Untitled: Motion Waiver of Rule Requirements (Appellant Pro Pro)
22. 10-Feb-2015 ORDERED: confirming reinstatement of appeal. FURTHER ORDERED: Denying appellant's motion for entry of order. FURTHER ORDERED: Denying appellant's request for waiver of rule requirements as moot. Melina Brill ProTem Judge - Author
23. 17-Feb-2015 FILED: Motion to Enter Filed Signed Order Dated 2/13/15 (Appellant Pro Per)
24. 24-Feb-2015 ORDERED: accepting signed ME dated 2/2/15, filed 2/4/15, which contains certification of finality pursuant to ARCP 54(c). Melina Brill ProTem Judge - Author
25. 9-Mar-2015 FILED: Appellant Motion Enlargement of Time for Filing Opening Brief (Appellant Pro Per)
26. 11-Mar-2015 ORDERED: Appellant Motion Enlargement of Time for Filing Opening Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Monday, 03-09-2015 to Wednesday, 04-08-2015. Melina Brill ProTem Judge - Author
27. 31-Mar-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
28. 8-Apr-2015 FILED: Appellant's Opening Brief (Pro Per)
29. 8-Apr-2015 FILED: Appellant's Exhibits to Opening Brief (Pro Per)
30. 10-Apr-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (ME: signed order dated 2/2/15, filed 2/4/15 re: Rule 54(c))

Court of Appeals, Division One**Civil Appeal****1 CA-CV 14-0691****ROUSH v. GREGORY et al.****68 PROCEEDING ENTRIES**

31. 20-Apr-2015 FILED: Appellant Motions to Supplement p. 19: 1 Opening Brief; Adding Rule 4 (g) Ari, R. Civ. P. (Appellant Pro Per)
32. 4-May-2015 FILED: Appellant Motions Leave of Court / Motions to Amend Supplementing his Opening Brief (Appellant Pro Per)
33. 6-May-2015 FILED: Motion for Extension of Time to File Brief; Certificate of Service (Appellee)
34. 7-May-2015 FILED: Objection to Appellant's Motion to Amend Opening Brief; Certificate of Service (Appellee)
35. 11-May-2015 FILED: Appellant's Amended Opening Brief (Pro Per)
36. 11-May-2015 FILED: Appellant's Exhibits to Amended Opening Brief (Pro Per)
37. 11-May-2015 FILED: Proof of Service by Mail re: Amended Opening Brief & Exhibits (Appellant Pro Per)
38. 11-May-2015 ORDERED: Motion for Extension of Time to File Brief (Answering) (Appellee) = GRANTED. Due date EXTENDED from Tuesday, 05-26-2015 to Tuesday, 06-30-2015 Melina Brill ProTem Judge - Author
39. 18-May-2015 FILED: Appellant Request Striking "Order" for Extension of Time, Violated Due Process, Strict Performance Standards (Appellant Pro Per)
40. 18-May-2015 FILED: Appellant Entitled to Judgment by Default or Amending of Appellants Opening Brief (Appellant Pro Per)
41. 27-May-2015 ORDERED: Appellant Motions to Supplement p. 19: 1 Opening Brief; Adding Rule 4 (g) Ari, R. Civ. P. (Appellant Pro Per) = GRANTED. FURTHER ORDERED: Denying appellant's motion to amend/supplement opening brief. FURTHER ORDERED: Appellant Request Striking "Order" for Extension of Time, Violated Due Process, Strict Performance Standards Appellant Entitled to Judgment by Default or Amending of Appellants Opening Brief and Appellant Entitled to Judgment by Default or Amending of Appellants Opening Brief = DENIED and confirming court's 5/11/15 order. Melina Brill ProTem Judge - Author
42. 15-Jun-2015 FILED: Appellant Motion's an Objection to This Courts Ruling 5/27/15 (Appellant Pro Per)
43. 16-Jun-2015 ORDERED: Appellant Motion's an Objection to This Courts Ruling 5/27/15 (Appellant Pro Per) = DENIED/confirming court's 5/27/15 order. Hon Randall M Howe - Author
44. 30-Jun-2015 FILED: Appellees' Answering Brief; Certificate of Compliance; Certificate of Filing (Appellee)
45. 6-Jul-2015 FILED: Appellant Moves the Court to Grant Judgment in Favor of Appellant (Appellant Pro Per)
46. 16-Jul-2015 FILED: Response to Appellant's Motion to Grant Judgment in Favor of Appellant Dated July 2, 2015; Certificate of Service; Exhibit (Appellee)
47. 20-Jul-2015 FILED: Motion Enlargement of Time (Reply Brief) (Appellant Pro Per)
48. 21-Jul-2015 ORDERED: Motion Enlargement of Time (Reply Brief) (Appellant Pro Per) = GRANTED. Due date EXTENDED from Monday, 07-27-2015 to Monday, 08-17-2015. Barbara Vidal Vaught ProTem Judge - Author
49. 3-Aug-2015 ORDERED: Appellant Moves the Court to Grant Judgment in Favor of Appellant (Appellant Pro Per) = DENIED. Barbara Vidal Vaught ProTem Judge - Author
50. 7-Aug-2015 FILED: Appellant's Reply to Appellee's Answering Brief (Appellant Pro Per)
51. 1-Sep-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
52. 11-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
53. 29-Jan-2016 CLNDR: CONFERENCE, Department E, 3-9-16, COURTROOM 1.
54. 12-Apr-2016 MEMORANDUM DECISION (Affirmed) Hon Patricia A Orozco - Author; Hon Diane M Johnsen - Concur; Hon Kenton D Jones Judge - Concur
55. 12-Apr-2016 FILED: Memorandum Decision Distribution List
56. 18-May-2016 FILED: Mandate, No record returned to superior court. (VACATED per order filed 07/14/2016)

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1 CA-CV 14-0691

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68 PROCEEDING ENTRIES

57. 31-May-2016 FILED: Appellant Objects to the Courts Mandate 5/18/2016 (Motion to Reinstate) (Appellant Pro Per)
58. 20-Jun-2016 FILED: Motion to Recall Mandate / Motion Writ of Error Coram Nobis / Motion for Telephonic Hearing. Motion Leave of Court (Appellant Pro Per)
59. 14-Jul-2016 ORDERED: Motion to Recall Mandate (Appellant Pro Per) = GRANTED. FURTHER ORDERED: Motion Writ of Error Coram Nobis, Motion for Telephonic Hearing, Motion Leave of Court = DENIED. FURTHER ORDERED: Motion for Reconsideration or Petition for Review due 08/15/2016. Hon Patricia A Orozco - Author
60. 17-Aug-2016 FILED: Notice to File Petition for Review (Appellant Pro Per)
61. 24-Aug-2016 FILED: ASC Order filed 08/24/2016 re: extending time for filing Petition for Review to 09/12/2016
62. 15-Sep-2016 FILED: ASC Order filed 09/15/2016 re: extending time for filing Petition for Review to 10/12/2016
63. 17-Oct-2016 FILED: ASC Order filed 10/17/2016 re: extending time for filing Petition for Review to 11/15/2016
64. 14-Nov-2016 FILED: Courtesy Copy - Order (petition for review) filed in Supreme Court of Arizona (Appellant Pro Per)
65. 9-Jan-2017 FILED: Email Notice from ASC re: Petition for Review filed 11/17/16; request for partial record
66. 9-Jan-2017 FILED: Letter, 1/4/17, from Roush to Court re: unpaid filing fees
67. 10-Jan-2017 FILED: Letter forwarding partial record to Arizona Supreme Court
68. 12-Jan-2017 FILED: Letter, 1/12/17, from Court to Roush re: unpaid filing fees