Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0127 BOSER v. WARE

Appellate Case Information

Case Filed: 27-Feb-2015

Case Closed: 17-Jan-2017

Decision

Dept/Composition

Department D

Hon. Andrew W. Gould
Hon. Peter B Swann
Hon. Patricia A Orozco

Side 1. PERRY BOSER, individually and on behalf of THERESA DANNIELLE BOSER, deceased, and on behalf of all statutory beneficiaries, Plaintiff/Appellee

(Litigant Group) PERRY BOSER

- **Perry Boser**

Attorneys for: Plaintiff/Appellee

Allen D Bucknell, Esq. (AZ Bar No. 7351)

Side 2. JASON LEE WARE, Defendant/Appellant

(Litigant Group) JASON LEE WARE

- **Jason Lee Ware** PRO SE

CASE STATUS

Jan 17, 2017....Case Closed

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2011-007329	Wrongful Death		Randall H Warner, Authoring Judge of Order		

2 CASE DECISIONS

28-Jul-2016 OPINION

Samuel Thumma.....Author
Kent Cattani.....Concur
Randall Howe.....Concur

Filed: **28-Jul-2016** Mandate:

Decision Disposition: ***Appeal Reinstated***

08-Dec-2016 MEMORANDUM DECISION

Patricia Orozco.....Author
Andrew Gould.....Concur
Peter Swann.....Concur

Filed: **08-Dec-2016** Mandate: **17-Jan-2017**

Decision Disposition: ***Dismissed for Lack of Jurisdiction***

69 PROCEEDING ENTRIES

1.	27-Feb-2015	FILED: Index of Record, Notice of Appeal from Maricopa County filed 01/30/15
2.	27-Feb-2015	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3.	4-Mar-2015	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). Appellee's filing fee of $140.00 is payable on or before 3/18/15. Appellant's Case Management Statement due 3/24/15 and Opening Brief due 5/4/15. FURTHER ORDERED: copy of this order to Arizona Department of Corrections, and copy of order and case management statement form to appellant personally. Ruth Willingham - Author
4.	16-Mar-2015	FILED: Notice Appellee's Filing Fee; Certificate of Service (Appellee)
5.	19-Mar-2015	RECEIPT No.: 2015-00353 ; $140.00, Authorization: #77014209637, Applied to: PERRY BOSER - Class B Filing Fee ($140.00) Paid for: Goldberg & Osborne - By Integrated Resource Systems IN
6.	19-Mar-2015	FILED: Courtesy Copy of Appellee's Filing Fee
7.	23-Mar-2015	FILED: Case Management Statement (Appellant Pro Per)
8.	4-May-2015	FILED: Motion to Stay Briefing Pending Preparation of Transcripts; To Reset Briefing Schedule (Appellant Pro Per)

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69 PROCEEDING ENTRIES

9.	13-May-2015	ORDERED: extending time for filing opening brief to/including 7/3/15. Opening brief shall not contain issues concerning validity of 1/9/13 judgment. Hon Jon W Thompson - Author
10.	2-Jul-2015	FILED: Second Motion to Stay Briefing Pending Preparation of Transcript; to Reset Briefing Schedule (Appellant Pro Per)
11.	8-Jul-2015	ORDERED: Second Motion to Stay Briefing Pending Preparation of Transcript; to Reset Briefing Schedule (Appellant Pro Per) = GRANTED/extending time for filing opening brief to/including 9/1/15. Melina Brill ProTem Judge - Author
12.	2-Sep-2015	FILED: Appellant's Opening Brief (Pro Per)
13.	12-Oct-2015	FILED: Notice Of Filing And Serving Transcript Proceedings Of November 21, 2014; Certificate Of Filing And Service Of Compliance (Appellee)
14.	12-Oct-2015	FILED: Reporter's Transcript - 11/24/14 - Evidentiary Hearing/Order To Show Cause Hearing (Donna Limerick) (Appellee)
15.	14-Oct-2015	FILED: Motion for Extension of Time Answering Brief; Certificate of Service (Appellee Boser)
16.	15-Oct-2015	FILED: Notice of Filing and Serving Transcript Proceedings of 11/21/14 (Appellee)
17.	15-Oct-2015	FILED: Reporters Transcript of Proceedings 11/21/14 (Donna Limerick) (Appellee)
18.	16-Oct-2015	FILED: Courtesy Copy of Motion for Extension of Time Answering Brief; Certificate of Service (Appellee Boser)
19.	16-Oct-2015	ORDERED: Motion for Extension of Time Answering Brief (Appellee Boser) = GRANTED in part. Due date EXTENDED from Monday, 10-19-2015 to Wednesday, 11-18-2015. Melina Brill ProTem Judge - Author
20.	2-Nov-2015	FILED: Response to Appellees' Motion for Extension of Time to File Answering Brief (Appellant Pro Per)
21.	2-Nov-2015	FILED: Motion to Reconsider Court's Order re: Extension of Time Dated October 16, 2015 (Appellant Pro Per)
22.	4-Nov-2015	ORDERED: Motion to Reconsider Court's Order re: Extension of Time Dated October 16, 2015 (Appellant Pro Per) = DENIED. Hon Randall M Howe - Author
23.	18-Nov-2015	FILED: Request Oral Argument; Certificate of Service (Appellant)
24.	18-Nov-2015	FILED: Appellees' Answering Brief; Certificate of Compliance for Appellees' Answering Brief; Certificate of Service for Appellees' Answering Brief
25.	18-Nov-2015	FILED: (Appellees' Answering Brief) Appendix
26.	10-Dec-2015	FILED: Motion to Strike Answering Brief and Provisional Motion for Enlargement of Time to File Reply Brief (Appellant Pro Per)
27.	14-Dec-2015	ORDERED: Vacating 12/14/15 due date for reply brief. Order ruling on pending motion to strike answering brief will set a due date for filing reply brief, if motion is denied. Melina Brill ProTem Judge - Author
28.	17-Dec-2015	FILED: Appellee's Response to Appellants's Motion to Strike Answering Brief and Motion for Enlargement of Time to File Reply Brief; Certificate of Filing and Mailing (Appellee)
29.	6-Jan-2016	ORDERED: Motion to Strike Answering Brief and Provisional Motion for Enlargement of Time to File Reply Brief (Appellant Pro Per) = GRANTED IN PART and striking appendix to answering brief filed 11/18/15. FURTHER ORDERED: directing appellee to file amended appendix to answering brief on/before 1/19/16. FURTHER ORDERED: reply brief due within 20 days after service of amended appendix to opening brief. Melina Brill ProTem Judge - Author
30.	18-Jan-2016	FILED: Appellee's Filing Amended Appendix; Certificate of Filing and Mailing
31.	18-Jan-2016	FILED: Amended Appendix (Appellee)
32.	5-Feb-2016	RECEIPT No.: 2016-00159 ; $102.65, Check Number: 7498803, Applied to: JASON LEE WARE - Class A Filing Fee ($102.65) Paid for: JASON LEE WARE - By Department of Corrections (Memo: Partial Payment)
33.	8-Feb-2016	FILED: Objections to Noncompliant Amended Appendix and Second Motion for Clarification and Notice of Lodging Prospective Reply Brief (Appellant Pro Per)

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69 PROCEEDING ENTRIES

34.	8-Feb-2016	FILED: Appellant's Reply Brief (Appellant Pro Per)
35.	9-Feb-2016	ORDERED: Objections to Noncompliant Amended Appendix and Second Motion for Clarification and Notice of Lodging Prospective Reply Brief (Appellant Pro Per) = denying motion to strike amended appendix filed 1/18/16. FURTHER ORDERED: denying motion for clarification. Barbara Vidal Vaught ProTem Judge - Author
36.	2-Mar-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
37.	9-Mar-2016	ORDERED: Request Oral Argument (Appellant) = DENIED. Hon Michael J Brown - Author
38.	11-Mar-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
39.	11-Mar-2016	FILED: Additional Record on Appeal: Exhibits: HD 11/6/12 - List and # 1 2 3 4 5 6 7 8 9 in manila envelope; HD 11/21/14 - List and # 1 2 in manila envelope.
40.	17-Mar-2016	FILED: Letter, undated, from Appellant to Court, requesting copy of docket
41.	23-Mar-2016	FILED: Letter, 3/23/16, from Court to Appellant, enclosing copy of docket
42.	31-Mar-2016	CLNDR: CONFERENCE, Department A, 5-24-16, COURTROOM 1.
43.	31-Mar-2016	ORDERED: consolidating cases 1 CA-CV 15-0047, 1 CA-CV 15-0107, 1 CA-CV 15-0127, 1 CA-CV 15-0249, 1 CA-CV 15-375, 1 CA-CV-15-0508, 1 CA-CV 15-0513, 1 CA-CV 15-0624, 1 CA-CV 15-0689, 1 CA-CV 15-0728, 1 CA-CV 15-0753, 1 CA-CV 16-0002 and 1 CA-CV 16-0042 for a limited purpose of considering this court's appellate jurisdiction in these cases. Case No 1 CA-CV 15-0047 is designated as primary number and above caption (or a shortened version listing at a minimum captions in Case No. 1 CA-CV 15-0047 and case number(s) in which filer is a party) shall be used on all future documents filed. FURTHER ORDERED: Directing any party to this consolidated appeal wishing to be heard on issue of whether order being appeal from in their specific case(s) must contain Rule 54 (c) language may file a memorandum, not to exceed 10 pages, on/before 4/20/16. No responses to memoranda will be permitted. Court will only accept a memorandum addressing this issue if filing party has paid filing fee in case number(s) in which filer is a party. FURTHER ORDERED: Staying all other aspects of this consolidated appeal that do not relate to Rule 54 (c) issue pending further order. Hon Kent E Cattani Judge - Author
44.	11-Apr-2016	FILED: Appellees' Reply in Support of Motion to Supplement the Record on Appeal; Certificate of Filing and Service Regarding Appellees' Reply in Support of Motion to Supplement the Record on Appeal (Appellees re 1 CA-CV 15-0107)
45.	3-May-2016	ORDERED: any response to motion to strike (surreply in CV-15-0728) must be filed on/before 5/13/16. Appellant may file a reply in accordance with ARCAP 6 (a) (2). FURTHER ORDERED: Court will rule on motion following expiration of time for a response and, if applicable, a reply. Melina Brill ProTem Judge - Author
46.	11-May-2016	FILED: Appellee's Response to Appellants Motion to Strike Appellees Surreply to Appellants Rebuttal to Appellees Answer Brief; Proof of Service (Appellee, Erlick re 1 CA-CV 15-0728)
47.	26-May-2016	ORDERED: Consolidating case 1 CA-CV 15-0276 with previously consolidated case 1 CA-CV 15-0047 for sole purpose of considering Court's appellate jurisdiction. Case No. 1 CA-CV 15-0047 is designated primary number. FURTHER ORDERED: Removing case 1 CA-CV 16-0002 from this consolidated appeal. FURTHER ORDERED continuing stay of this consolidated appeal until further order. FURTHER ODERED: Any party in 1 CA-CV 15-0276 that wishes to be heard on issue of order being appealed from is required to contain Rule 54(c) language may file a memorandum on/before 06/06/2016. Hon Kent E Cattani Judge - Author
48.	27-May-2016	FILED: Appellants Reply to Appellees Response to Strike Appellees Surreply to Appellants Rebuttal to Appellees Answer Brief (Appellant Pro Per, Davis re 1 CA-CV 15-0728)
49.	2-Jun-2016	FILED: Motion by Tri-Rentals, Inc. and Classic Party Rentals, Inc. to Remove Their Appeal from Consolidation and Lift Stay; Certificate of Service; Exhibit A (Appellants re 1 CA-CV 16-0042)
50.	6-Jun-2016	FILED: Plaintiff's Response in Support of Motion by Tri-Rentals, Inc. and Class Party Rentals, Inc. to Remove Thier Appeal from Consolidation and Lift Stay; Certificate of Service (Appellee re 1 CA-CV 16-0042)
51.	7-Jun-2016	ORDERED: Removing CV 15-0276 from consolidated appeal. Hon Kent E Cattani Judge - Author
52.	7-Jun-2016	ORDERED: Removing CV 16-0042 from consolidated appeal. Hon Kent E Cattani Judge - Author
53.	10-Jun-2016	FILED: Appellee's Motion to Strike; Proof of Service (Appellee, Erlick re 1 CA-CV 15-0728)

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69 PROCEEDING ENTRIES

54.	17-Jun-2016	FILED: Motion for Reconsideration Concerning Appellants Motion to Strike Appellees Surreply (Appellant Pro Per, Davis re 1 CA-CV 15-0728)
55.	22-Jun-2016	ORDERED: Consolidating case 1 CA-CV 16-0294 with case 1 CA-CV 15-0047 for sole purpose of considering this court's appellate jurisdiction. Case 1 CA-CV 15-0047 is designated the primary number. FURTHER ORDERED: Continuing stay of this consolidated appeal until further order. FURTHER ORDERED: Any party in case 1 CA-CV 16-0294 that wishes to be heard on issue regarding order containing Rule 54(c) language, memorandum due 07/05/2016. Hon Kent E Cattani Judge - Author
56.	27-Jun-2016	FILED: Motion for Appointment of Counsel (Appellant Pro Per)
57.	29-Jun-2016	FILED: Appellee's Response to Notice to the Court that Appellee Will Consider Appellants Request for Sanctions as Part of Appellants Motion for Reconsideration and Will not Respond Unless Requested by the Court; Proof of Service (Appellee)
58.	29-Jun-2016	FILED: Appellee's Reply to Appellant's Response to Appellee's Motion to Strike; Proof of Service (Appellee)
59.	6-Jul-2016	ORDERED: Denying Erlick's motion to strike Davis's reply. FURTHER ORDERED: Denying Davis's motion for reconsideration. FURTHER ORDERED: Denying Erlick's motion to strike Lavoie's rebuttal because that pleading was not accepted for filing. FURTHER ORDERED: Taking no action on Erlick's response to Lavoie's motion for permissive joinder and motion to intervene. Hon Maurice Portley - Author
60.	11-Jul-2016	FILED: Courtesy Copy - Copy of my Medical Benefits for State of Calif Gov. Program (Debra Lavoie)
61.	28-Jul-2016	OPINION (Appeal Reinstated) Hon Samuel A Thumma - Author; Hon Kent E Cattani Judge - Concur; Hon Randall M Howe - Concur
62.	28-Jul-2016	FILED: Opinion Distribution List
63.	28-Jul-2016	ORDERED: deconsolidating this appeal from appeal 1 CA-CV 15-0047. FURTHER ORDERED: terminating stay and reinstating this appeal. FURTHER ORDERED: appeal shall be scheduled for consideration on the merits. Hon Kent E Cattani Judge - Author
64.	6-Oct-2016	CLNDR: CONFERENCE, Department D, 11-30-16, COURTROOM 2.
65.	6-Oct-2016	ORDERED: removing this case from assignment to Department A. FURTHER ORDERED: vacating the conference previously scheduled for 05/24/2016. The court will schedule the case on the next available calendar. Hon Michael J Brown - Author
66.	10-Nov-2016	FILED: Memorandum moving case from 11/30/16 to 11/23/16 (Judge Gould)
67.	8-Dec-2016	MEMORANDUM DECISION (Dismissed for Lack of Jurisdiction) Hon Patricia A Orozco - Author; Hon Andrew W Gould - Concur; Hon Peter B Swann - Concur
68.	8-Dec-2016	FILED: Memorandum Decision Distribution List
69.	17-Jan-2017	FILED: Mandate, Record returned to superior court.

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