

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 15-0337**

**LIPSKY v. SAFETY et al.**

<p><b>Appellate Case Information</b></p> <p>Case Filed: 18-May-2015</p> <p>Case Closed:</p>	<p><b>Dept/Composition</b></p> <p><b>Department C</b></p> <p>Hon. Diane M Johnsen Hon. Jon W Thompson Hon. Maurice Portley</p>
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**Side 1. JEFFREY LIPSKY, Plaintiff/Appellant**  
**(Litigant Group) JEFFREY LIPSKY**

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| <ul style="list-style-type: none"> <li>● Jeffrey Lipsky</li> </ul> | <p><b>Co-Counsel for: Plaintiff/Appellant</b></p> <p>Taylor C Young, Esq. (AZ Bar No. 20743)<br/>Michael P Doyle, Esq. (AZ Bar No. 29400)<br/>Patrick Mason Dennis, Esq. (AZ Bar No. 29533)</p> |
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**Side 2. SAFETY NATIONAL CASUALTY CORPORATION; GALLAGHER BASSETT SERVICES, INC.; SANDY POWELL; CSK AUTO, INC. dba O'REILLY AUTO PARTS, Defendant/Appellee**  
**(Litigant Group) SAFETY NATIONAL et al.**

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| <ul style="list-style-type: none"> <li>● Safety National Casualty Corporation</li> <li>● Gallagher Bassett Services Inc</li> <li>● Sandra Powell</li> </ul> <p><b>(Litigant Group) CSK AUTO/O'REILLY AUTO</b></p> <ul style="list-style-type: none"> <li>● CSK Auto Inc</li> <li>● O'Reilly Auto Parts</li> </ul> | <p><b>Attorneys for: Defendants/Appellees Safety et al.</b></p> <p>Deanne C Ayers, Esq. (AZ Bar No. 30486)</p><br><p><b>Attorneys for: Defendant/Appellee CSK Auto/O'Reilly</b></p> <p>Melanie V Pate, Esq. (AZ Bar No. 17424)</p> |
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**CASE STATUS**

Oct 5, 2016.....Under Advisement

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2012-018066	Breach of the Duty of Good Faith and Fair Dealing [see file]		Patricia A Starr, Authoring Judge of Order		

**47 PROCEEDING ENTRIES**

1. 18-May-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/23/15
2. 18-May-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
3. 2-Jun-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4. 9-Jun-2015 FILED: Notice of Payment of Appellant's Filing Fee; Certificate of Service
5. 15-Jun-2015 RECEIPT No.: 2015-00817 ; \$280.00, Authorization: 66006993704, Applied to: JEFFREY LIPSKY - Class A Filing Fee (\$280.00) Paid for: Mandel Young PLC - By Integrated Resource Systems IN
6. 19-Jun-2015 FILED: Appellee's Notice re: Both Appellee's Fees Due/Appellant's Brief Due
7. 22-Jun-2015 FILED: Case Management Statement (Appellant)
8. 23-Jun-2015 FILED: Letter, 6/23/15, to Court from Appellee CSK, Auto's Counsel re: submission of filing fee
9. 25-Jun-2015 FILED: Notice of Payment of Appellees' Fee; Certificate of Service (Appellee Safety National)
10. 26-Jun-2015 RECEIPT No.: 2015-00887 ; \$140.00, Authorization: # 76017780500, Applied to: CSK AUTO/O'REILLY AUTO - Class B Filing Fee (\$140.00) Paid for: Lewis Roca Rothgerber LLP - By Integrated Resource Systems IN
11. 30-Jun-2015 RECEIPT No.: 2015-00894 ; \$140.00, Authorization: #80022895447, Applied to: SAFETY NATIONAL et al. - Class B Filing Fee (\$140.00) Paid for: Ayers & Ayers - By Integrated Resource Systems IN
12. 7-Jul-2015 FILED: Unopposed Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)

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**47 PROCEEDING ENTRIES**

13. 8-Jul-2015 ORDERED: Unopposed Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-03-2015 to Wednesday, 09-02-2015. Melina Brill ProTem Judge - Author
14. 1-Sep-2015 FILED: Motion to Withdraw as Counsel for Defendants Safety Nat, Gallagher Bassett and S Powell filed by Renaud Cook Drury Mesaros, PA; Certificate of Service (Appellee)
15. 1-Sep-2015 FILED: Proposed Order for Motion to Withdraw; Certificate of Service (Appellee)
16. 2-Sep-2015 FILED: Motion for Extension of Time to File Opening Brief (Second); Certificate of Service (Appellant)
17. 3-Sep-2015 RECEIPT No.: 2015-01236 ; \$140.00, Authorization: #45021418254, Applied to: SAFETY NATIONAL et al. - Overpayment Class B (\$140.00) Paid for: Ayers & Ayers - By Integrated Resource Systems IN (Memo: X-Ref 2015-00894 - Refund Needed)
18. 3-Sep-2015 ORDERED: Motion for Extension of Time to File Opening Brief (Second) (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 09-02-2015 to Wednesday, 09-09-2015. Melina Brill ProTem Judge - Author
19. 9-Sep-2015 FILED: Request for Oral Argument; Certificate of Service (Appellant)
20. 9-Sep-2015 FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
21. 9-Sep-2015 FILED: Appendix to Opening Brief (Appellant)
22. 14-Sep-2015 FILED: Letter, 9/14/15, from Court to Appellee, returning duplicate filing fee
23. 22-Sep-2015 ORDERED: Motion to Withdraw as Counsel for Defendants Safety Nat, Gallagher Bassett and S Powell filed by Renaud Cook Drury Mesaros, PA (Appellee) = GRANTED. Melina Brill ProTem Judge - Author
24. 26-Oct-2015 FILED: Request for Oral Argument; Certificate of Service as to Request for Oral Argument (Appellees Safety National et al.)
25. 26-Oct-2015 FILED: Answering Brief of Safety National Casualty Corporation, Gallagher Bassett Services, Inc. and Sandy Powell; Certificate of Compliance; Certificate of Service
26. 26-Oct-2015 FILED: Appendix to Safety National Casualty Corporation, Gallagher Bassett Services, Inc. and Sandy Powell's Answering Brief (Appellee)
27. 26-Oct-2015 FILED: Answering Brief of CSK Auto, Inc. N/K/A O'Reilly Auto Enterprises, LLC dba O'Reilly Auto Parts; Certificate of Compliance; Certificate of Service (Appellee)
28. 20-Nov-2015 FILED: Motion for Procedural Order re: Extension of Time to File Reply Brief (First Request); Certificate of Service (Appellant)
29. 24-Nov-2015 ORDERED: Extending the time to file all Reply Briefs to/including 12/14/15. Barbara Vidal Vaught ProTem Judge - Author
30. 11-Dec-2015 FILED: Motion for a Procedural Order re: Extension of Time to File Reply Brief; Certificate of Service (Appellant)
31. 14-Dec-2015 ORDERED: Motion for a Procedural Order re: Extension of Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 12-14-2015 to Monday, 01-04-2016. Melina Brill ProTem Judge - Author
32. 4-Jan-2016 FILED: Reply to Insurance Defendants' Answering Brief; Certificate of Compliance; Certificate of Service (Appellant)
33. 4-Jan-2016 FILED: Reply to O'Reilly Auto Parts' Answering Brief; Certificate of Compliance; Certificate of Service (Appellant)
34. 6-Jan-2016 FILED: Appellees' (Safety/Gallagher) Motion for Leave to Respond to Appellant's Reply to Insurance Defendants' Answering Brief; Certificate of Service (Appellee)
35. 8-Jan-2016 FILED: Notice of Change of Law Firm Name and Attorney's E-Mail Address; Certificate of Service (Appellee)
36. 26-Jan-2016 FILED: Appellant's Response in Opposition to Appellee's Motion for Leave to Respond to Appellant's Reply Brief to Insurance Defendant's Answering Brief; Certificate of Service (Appellant)
37. 28-Jan-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
38. 4-Feb-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
39. 16-Feb-2016 ORDERED: Appellees' (Safety/Gallagher) Motion for Leave to Respond to Appellant's Reply to Insurance Defendants' Answering Brief (Appellee) = DENIED. Hon Donn Kessler - Author

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**47 PROCEEDING ENTRIES**

- 40. 17-Feb-2016 ORDERED: Request for Oral Argument (Appellant) and Request for Oral Argument (Appellees Safety National et al.) = GRANTED. Hon Michael J Brown - Author
- 41. 17-Jun-2016 FILED: Notice of Change of Law Firm Address and Phone Numbers; Certificate of Service (Appellant)
- 42. 29-Aug-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 10-5-16, 10:15 am, COURTROOM 1.
- 43. 6-Sep-2016 FILED: Notice of Oral Argument
- 44. 8-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by Taylor C Young on 09/06/2016 (Appellant)
- 45. 16-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by Melanie V Pate on 09/06/2016 (Appellee CSK)
- 46. 19-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by Deanne C Ayers on 09/06/2016 (Appellees Safety, et al.)
- 47. 5-Oct-2016 FILED: Sign-in Sheet/Case is Under Advisement as of 10/05/2016 (Dept C)