

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0364

NOGUERO v. AMERICAN FAMILY

Appellate Case Information

Case Filed: 3-Jun-2015
Case Closed:

Dept/Composition

Department A
Hon. Kenton D Jones
Hon. Randall M Howe
Hon. Donn Kessler

**Side 1. ELENA NOGUERO, Plaintiff/Appellant
(Litigant Group) ELENA NOGUERO**

- Elena Noguero

Co-Counsel Attorney for: Plaintiff/Appellant

J Blake Mayes, Esq. (AZ Bar No. 24159)
Alexander R Arpad, Esq. (AZ Bar No. 21660)

**Side 2. AMERICAN FAMILY MUTUAL INSURANCE COMPANY, Defendant/Appellee
(Litigant Group) AMERICAN FAMILY MUTUAL INSURANCE CO**

- American Family Mutual Insurance Company

Attorneys for: Defendant/Appellee

Lynn M Allen, Esq. (AZ Bar No. 12612)
JP Harrington Bisceglia, Esq. (AZ Bar No. 26606)

CASE STATUS

Dec 12, 2016....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2011-080366	Breach of Written Contract; Breach of Contract - Third Party Beneficiary; [see file]		David M Talamante, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-16-0257-PR

PENDING MATTER

Motion for Extension of Time

Filed: 30-Dec-2016

Unopposed Motion for Procedural Order for Extension of Time to File Response to Petition for Review; Certificate of Service (Appellee)

CASE DECISION

20-Oct-2016 MEMORANDUM DECISION

Randall Howe.....Author
Kenton Jones.....Concur
Donn Kessler.....Concur

Filed: 20-Oct-2016

Mandate:

Decision Disposition

Affirmed

74 PROCEEDING ENTRIES

- 3-Jun-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/05/15
Docketing Statement Filed: 5/18/15
- 3-Jun-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits - not sent at this time
- 8-Jun-2015 FILED: Notice to Parties re: Appellant's Fee Deferred/Appellee's Fee/Brief Due
- 8-Jun-2015 ORDERED: the deferral remains in effect unless there is a change in Appellant's financial circumstances. Ruth Willingham - Author
- 9-Jun-2015 FILED: Case Management Statement (Appellant Pro Per)
- 15-Jun-2015 FILED: Motion Request Pro Bono Attorney; Order Deferring Fees (Appellant)

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7. 18-Jun-2015 RECEIPT No.: 2015-00845 ; \$140.00, Check Number: 10004, Applied to: AMERICAN FAMILY MUTUAL INSURANCE CO - Class B Filing Fee (\$140.00) Paid for: - By Tyson & Mendes, LLP
8. 18-Jun-2015 FILED: Motion Reconsideration Pro Bono Attorney; Order Fee Deferral (Appellant)
9. 18-Jun-2015 ORDERED: Motion Request Pro Bono Attorney (Appellant) = DENIED. Melina Brill ProTem Judge - Author
10. 22-Jun-2015 ORDERED: Motion Reconsideration Pro Bono Attorney; (Appellant) = DENIED. Hon Randall M Howe - Author
11. 26-Jun-2015 FILED: Motion to Dismiss; Certificate of Service (Appellee)
12. 26-Jun-2015 FILED: Letter, 6/26/15, from Court to Richard Turley, returning documents received 6/22/15
13. 1-Jul-2015 FILED: Motion for Extension of Time to File Brief (Opening Brief); Minute Entry (6/9/15) (Appellant)
14. 2-Jul-2015 ORDERED: vacating 8/7/15 due date for opening brief. Order ruling on pending motion to dismiss will set a due date for filing opening brief, if motion to dismiss is denied. Melina Brill ProTem Judge - Author
15. 8-Jul-2015 FILED: Appellee American Family's Statement of Clarification and Correction of Appellant's Case Management Statement; Certificate of Service
16. 15-Jul-2015 FILED: Notice Filing and Serving Transcript (Appellant Pro Per)
17. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 1/24/14 - Telephonic Status Conference (Matthew Smith)
18. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 4/25/14 - Oral Argument (Matthew Smith)
19. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 8/6/14 - Oral Argument (Karen Noland)
20. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 10/15/14 - Trial Management Conference (Melissa Boyd)
21. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 3/26/13 - Telephonic Status Conference (Dawn Carrero)
22. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 4/23/13 - Oral Argument (Dawn Carrero)
23. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings- 11/20/13 - Telephonic Status Conference (Dawn Carrero)
24. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 11/22/13 - Telephonic Status Conference (Matthew Smith)
25. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 11/3/14 - Trial to Jury - Day Five (Liesl Springer)
26. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings- 11/04/14 - Trial - Day 6 (Bonnie Furlong)
27. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 11/05/14 - Trial - Day 7 (J. Marie Moran)
28. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 11/06/14 - Trial - Day 8 (Kathy Lattimore)
29. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 10/27/14 - Trial to a Jury - Day 1 (Bonnie Furlong)
30. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 10/28/14 - Trial to the Jury - Day Two (Karen Noland)
31. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 10/29/14 - Trial to the Jury - Day Three (Dawn Carrero)
32. 15-Jul-2015 FILED: Reporter's Transcript of Proceedings - 10/30/14 - Trial to the Jury - Day Four (Sherri Bean)
33. 20-Jul-2015 FILED: Notice of Limited Appearance and Limited Scope Representation; Certificate of Service to Notice of Limited Appearance and Limited Scope Representation (Appellant)
34. 20-Jul-2015 FILED: Response to Motion to Dismiss Appeal; Certificate of Service to Response to Motion to Dismiss Appeal (Appellant)
35. 28-Jul-2015 FILED: Response to AMFM Statement of Clarification and Correction of Appellant's Case Management; Copy of Fee Deferral (Appellant)
36. 3-Aug-2015 FILED: Reply in Support of Motion to Dismiss Appeal; Certificate of Service; Exhibit 1 (Appellee)

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37. 18-Aug-2015 ORDERED: Motion to Dismiss (Appellee) = DENIED. FURTHER ORDERED: Opening brief shall be filed on/before 9/18/15. FURTHER ORDERED: Denying appellant's request for inclusion in "Pro Bono Pilot Program." Hon Lawrence F Winthrop - Author
38. 19-Aug-2015 ORDERED: (Court has determined that appointment of pro bono counsel in this appeal may benefit Court's review) Any objection to appointment of pro bono counsel for appellant in this appeal must be filed in writing on/before 8/31/15. FURTHER ORDERED: Pro Bono Counsel shall file a notice of appearance on/before 10/5/15. FURTHER ORDERED: Staying appeal pending further order of court. Hon Michael J Brown - Author
39. 29-Sep-2015 FILED: Reporter's Transcript of Proceedings 10/27/14 (Bonnie Furlong)
40. 29-Sep-2015 FILED: Reporter's Transcript of Proceedings 11/6/14 (Kathy Lattimore)
41. 5-Oct-2015 FILED: Notice of Appearance; Notice of Appearance (Certificate of Service) (Appellant)
42. 8-Oct-2015 ORDERED: (Pursuant to Court's prior order and given notice of appearance filed on 10/5/15) J. Blake Mayes, of MayesTelles PLLC, is hereby appointed to represent appellant for purposes of this appeal only. FURTHER ORDERED: Clerk of Court shall amend record to reflect that J. Blake Mayes is pro bono counsel of record for appellant. FURTHER ORDERED: Briefing shall proceed as follows: opening brief is due on 12/7/15; answering brief is due w/in 40 days after service of opening brief and optional reply brief is due w/in 20 days after service of answering brief. FURTHER ORDERED: Upon completion of briefing, court will issue a separate order lifting stay previously issued and setting oral argument. Hon Michael J Brown - Author
43. 30-Oct-2015 FILED: Notice of Withdrawal; Certificate of Service to Notice of Withdrawal (Attnry Arpd only) (Appellant)
44. 1-Dec-2015 FILED: Motion to Extend Time to File Appellant's Opening Brief; Certificate of Service (Appellant)
45. 3-Dec-2015 ORDERED: Motion to Extend Time to File Appellant's Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 12-07-2015 to Wednesday, 01-06-2016. Melina Brill ProTem Judge - Author
46. 6-Jan-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Proof of Service (Appellant)
47. 22-Feb-2016 FILED: Appellee's Request for Oral Argument; Certificate of Service (Appellee)
48. 22-Feb-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service
49. 22-Feb-2016 FILED: Certificate of Service (re: Appellee's Brief and Request for Oral Argument)
50. 14-Mar-2016 FILED: Motion to Extend Time to File Appellant's Reply Brief; Certificate of Service (Appellant)
51. 15-Mar-2016 ORDERED: Granting in part the motion for a 30-day extension of time to file Reply Brief and extending the time for filing Reply Brief to/including 4/11/16. Barbara Vidal Vaught ProTem Judge - Author
52. 11-Apr-2016 FILED: Appellant's Reply Brief; Certificate of Compliance; Proof of Service
53. 12-Apr-2016 ORDERED: lifting stay of this appeal previously issued by this Court on 8/19/15. FURTHER ORDERED: Clerk of this Court shall set this case on next available calendar, with oral argument. Hon Michael J Brown - Author
54. 3-May-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
55. 11-May-2016 ORDERED: Appellee's Request for Oral Argument (Appellee) = GRANTED. Hon Michael J Brown - Author
56. 12-May-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
57. 13-May-2016 FILED: Additional Record on Appeal:
Exhibits: HD 10/27/14 - List and # 1 5 8 10 12 18 19 20 53(sealed) 54 60(sealed) 80 81 82 83 91 94 103 104 105 107 109 110 113 114 116 119 120 122 123 124 125 129 139 142 144 153 157 160 182 189 190 204 205 209 210 211 212 213 214 215 in box.
58. 7-Jul-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 9-13-16, 11:30 am, COURTROOM 2.
59. 8-Aug-2016 FILED: Notice of Oral Argument
60. 9-Aug-2016 FILED: Return Receipt Re Oral Argument, signed by J. Blake Mayes, on 8/8/16 (Appellant)

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61. 17-Aug-2016 FILED: Notice of Filing; Certificate of Service; Receipt for Notice of Oral Argument, signed by Lynn Allen on 08/08/2016 (Appellee)
62. 7-Sep-2016 ORDERED: vacating oral argument in this matter currently set for 09/13/2016 at 11:30 a.m. and resetting oral argument for 09/13/2016 at 10:45 a.m. Hon Kenton D Jones Judge - Author
63. 8-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by J Blake Mayes on 09/07/2016 (Appellant)
64. 12-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by Lynn Allen on 09/07/2016 (Appellee)
65. 13-Sep-2016 FILED: Sign-in Sheet/Case is Under Advisement as of 09/13/2016 (Dept A)
66. 20-Oct-2016 MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Kenton D Jones Judge - Concur; Hon Donn Kessler - Concur
67. 20-Oct-2016 FILED: Memorandum Decision Distribution List
68. 31-Oct-2016 FILED: Statement of Costs; Certificate of Service (Appellee)
69. 2-Nov-2016 FILED: Notice of Appearance; Certificate of Service to Notice of Appearance (Appellant)
70. 3-Nov-2016 FILED: ASC Order filed 11/03/2016 re: extending time for filing Petition for Review to 12/12/2016
71. 23-Nov-2016 ORDERED: awarding Defendant/Appellee their costs in the amount of \$1,664.30. Amy M Wood - Author
72. 12-Dec-2016 FILED: Email Notice from ASC re: Petition for Review filed 12/12/16; request for partial record
73. 13-Dec-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
74. 30-Dec-2016 FILED: Unopposed Motion for Procedural Order for Extension of Time to File Response to Petition for Review; Certificate of Service (Courtesy Copy) (Appellee)