

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0488

VALENZUELA v. SCOTTSDALE

Appellate Case Information

Case Filed: 24-Jul-2015

Case Closed: 2-Nov-2016

Reinstated x 1: 26-Jan-2017 **Decision**

Re-Closed:

Dept/Composition

Department C

Hon. Diane M Johnsen
Hon. Jon W Thompson
Hon. Michael J Brown

Side 1. MELINDA GABRIELLA VALENZUELA, Plaintiff/Appellant

(Litigant Group) MELINDA GABRIELLA VALENZUELA

- Melinda Gabriella Valenzuela PRO SE

Side 2. SCOTTSDALE HEALTHCARE HOSPITALS, Defendant/Appellee

(Litigant Group) SCOTTSDALE HEALTHCARE HOSPITALS

- Scottsdale Healthcare Hospitals

Attorneys for: Defendant/Appellee

Andrew E Rosenzweig, Esq. (AZ Bar No. 13083)

Rita J Bustos, Esq. (AZ Bar No. 25956)

CASE STATUS

Jan 26, 2017.....Reinstated Case

Jan 25, 2017.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2014-095052	Unclassified Civil		Mark F Aceto, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-17-0034-PR

CASE DECISION

27-Sep-2016 MEMORANDUM DECISION

Diane Johnsen.....Author

Jon Thompson.....Concur

Michael Brown.....Concur

Filed: 27-Sep-2016

Mandate: 02-Nov-2016

Decision Disposition

Affirmed

57 PROCEEDING ENTRIES

- 24-Jul-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/29/15
- 24-Jul-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
- 3-Aug-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 8/17/15. Appellant's Case Management Statement due 8/24/15 and Opening Brief due 10/2/15. 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
- 12-Aug-2015 FILED: Notice of Payment of Appellee's Filing Fee (Appellee)
- 17-Aug-2015 RECEIPT No.: 2015-01138 ; \$140.00, Authorization: #25012625155, Applied to: SCOTTSDALE HEALTHCARE HOSPITALS - Class B Filing Fee (\$140.00) Paid for: Scottsdale Healthcare Hospitals - By Integrated Resource Systems IN
- 25-Aug-2015 FILED: Case Management Statement (Appellant Pro Per)
- 28-Aug-2015 FILED: Courtesy Copy of Appellant's Opening Brief (Pro Per)
- 28-Aug-2015 FILED: Appellant's Opening Brief (Pro Per)
- 5-Oct-2015 FILED: Motion to Provide (Appellant Pro Per)

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10. 6-Oct-2015 FILED: Appellee Scottsdale Healthcare Hospitals' Notice of Substitution of Counsel; Defendant/Appellee Scottsdale Healthcare Hospitals' Certificate of Service (Appellee)
11. 13-Oct-2015 FILED: Appellee's Answering Brief; Defendant/Appellee Scottsdale Healthcare Hospital's Certificate of Compliance for Answering Brief; Defendant/Appellee Scottsdale Healthcare Hospital's Certificate of Service for Answering Brief
12. 28-Oct-2015 ORDERED: Motion to Provide (Appellant Pro Per) = GRANTED/staying appeal to/including 12/14/15 and revesting jurisdiction in Maricopa Superior Court to permit appellant to file a motion pursuant to ARCAP 60(c). FURTHER ORDERED: On 12/15/15, this appeal shall be automatically reinstated, unless before that date appellant files a motion to dismiss appeal or a motion to continue stay. FURTHER ORDERED: Within 10 days after superior court rules on motion, appellant shall file a notice w/ this court w/ ruling attached. If granted, notice should indicate whether ruling affects order that is subject of appeal. If denied, notice should indicate whether appellant intends to appeal from ruling. Appellant shall indicated whether amended briefing is needed. FURTHER ORDERED: If a party wishes ruling on motion to be reviewed in appeal, a timely notice of appeal or amended notice of appeal must be filed. Melina Brill ProTem Judge - Author
13. 7-Dec-2015 FILED: Notice to Court (Appellant Pro Per)
14. 10-Dec-2015 ORDERED: Notice to Court (Appellant Pro Per) = GRANTED/continuing stay of this appeal to/including 1/14/16, for purposes set forth in this courts 10/28/15 order. Appeal will be automatically reinstated on 1/15/16, unless before that date appellant files a request to continue stay of appeal. Melina Brill ProTem Judge - Author
15. 21-Dec-2015 FILED: Motion to Continue the Stay of the Appeal (Appellant Pro Per)
16. 22-Dec-2015 ORDERED: Motion to Continue the Stay of the Appeal (Appellant Pro Per) = DENIED. If superior court does not rule on appellant's Rule 60 (c) motion on/before 1/14/16, appellant may request continuation of stay. Melina Brill ProTem Judge - Author
17. 22-Jan-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes final signed minute entry filed 1/12/16 Denying Plaintiff's Motion Pursuant to Rule 60(C).)
18. 28-Jan-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
19. 4-Feb-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
20. 8-Feb-2016 FILED: Request for Continuation of the Stay (Appellant Pro Per)
21. 9-Feb-2016 ORDERED: Request for Continuation of the Stay (Appellant Pro Per) = DENIED. FURTHER ORDERED: Granting appellant to/including 3/1/16 to file reply brief. Barbara Vidal Vaught ProTem Judge - Author
22. 22-Feb-2016 FILED: Notice to Court (Appellant Pro Per)
23. 22-Feb-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record [includes Amended Notice of Appeal filed 2/12/16]
24. 23-Feb-2016 ORDERED: Notice to Court (Appellant Pro Per) = GRANTED and reinstating this appeal. FURTHER ORDERED: Reply brief shall be filed on/before 3/1/16. FURTHER ORDERED: Appellant may file a supplemental opening brief to issues arising out of 1/12/16 order on/before 4/4/16. Thereafter, a supplemental answering brief and supplemental reply brief may be filed in accordance with deadlines set forth in Arizona Rule of Civil Appellate procedure 15(1) (2) and (3). Barbara Vidal Vaught ProTem Judge - Author
25. 1-Mar-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record [includes Amended Notice of Appeal filed 2/24/16]
26. 9-Mar-2016 FILED: Motion for Clarification (Appellant Pro Per)
27. 11-Mar-2016 ORDERED: Addressing the Motion for Clarification as stated in this order (see order). FURTHER ORDERED: Directing the Clerk of this Court to send Appellant a copy of the docket for this appeal. Barbara Vidal Vaught ProTem Judge - Author
28. 18-Mar-2016 FILED: Appellant's Supplemental Opening Brief (Appellant Pro Per)
29. 18-Mar-2016 FILED: Appellant's Supplemental Appendix (Appellant Pro Per)
30. 7-Apr-2016 FILED: Plaintiff's Motion She Did not get Appellee's Answering Brief (Appellant Pro Per)

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31. 26-Apr-2016 FILED: Appellee's Supplemental Answering Brief; Defendant Appellee Scottsdale Healthcare Hospital's Certificate of Compliance for Supplemental Answering Brief; Defendant Appellee Scottsdale Healthcare Hospital's Certificate of Service for Supplemental Answering Brief
32. 3-May-2016 ORDERED: Plaintiff's Motion She Did not get Appellee's Answering Brief (Appellant Pro Per) = DENIED. Melina Brill ProTem Judge - Author
33. 12-May-2016 FILED: Motion Appellee did not File a Reply Brief to Opening Brief (Appellant Pro Per)
34. 16-May-2016 ORDERED: Motion Appellee did not File a Reply Brief to Opening Brief (Appellant Pro Per) = DENIED. Melina Brill ProTem Judge - Author
35. 18-May-2016 FILED: Appellants Motion She Never was Sent the 10-13-15 Answer Brief as Appelees Did Not Mail to her (Appellant Pro Per)
36. 18-May-2016 FILED: Appellants Motion she was not sent Appellees Initial Reply Brief with Opening Brief Filed (Appellant Pro Per)
37. 9-Jun-2016 ORDERED: Directing Appellee to immediately serve Appellant with two additional copies of Answering Brief filed on 10/13/2015. Melina Brill ProTem Judge - Author
38. 16-Jun-2016 FILED: Motion to Provide Notice She Filed Her Supplemental Brief (Appellant Pro Per)
39. 16-Jun-2016 FILED: Notice of Appeal of Order Denying Copy of Answer Brief (Appellant Pro Per)
40. 20-Jun-2016 ORDERED: taking no action on notice of appeal. Barbara Vidal Vaught ProTem Judge - Author
41. 7-Jul-2016 CLNDR: CONFERENCE, Department C, 9-14-16, COURTROOM 1.
42. 14-Jul-2016 FILED: Appellants Motion for Court to Allow her to Respond to the Answering Brief filed on 10/13/15 as she received it on June 17th, 2016. Pert the Courts Order (Appellant Pro Per)
43. 20-Jul-2016 ORDERED: Appellants Motion for Court to Allow her to Respond to the Answering Brief filed on 10/13/15 as she recieved it on June 17th, 2016. Per the Courts Order (Appellant Pro Per) = GRANTED. Reply brief due 08/19/2016. Hon Diane M Johnsen - Author
44. 11-Aug-2016 FILED: Emergent (sic) Order to Extend Deadline by 10 days (Appellant Pro Per)
45. 12-Aug-2016 ORDERED: Emergent (sic) Order to Extend Deadline by 10 days (Reply Brief) (Appellant Pro Per) = GRANTED. Due date EXTENDED from Friday, 08-19-2016 to Monday, 08-29-2016. Hon Diane M Johnsen - Author
46. 19-Aug-2016 FILED: Appellee Scottsdale Healthcare Hospital's Motion for Procedural Order; Appellee Scottsdale Healthcare Hospital's Certificate of Service for Motion for Procedural Order (Appellee)
47. 23-Aug-2016 FILED: Appellant's Reply Brief (Appellant Pro Per)
48. 20-Sep-2016 ORDERED: Appellee Scottsdale Healthcare Hospital's Motion for Procedural Order (Appellee) = DENIED as moot. Hon Diane M Johnsen - Author
49. 22-Sep-2016 FILED: Appellants Response She Provides All Copies to the Appellee (Appellant Pro Per)
50. 27-Sep-2016 MEMORANDUM DECISION (Affirmed) Hon Diane M Johnsen - Author; Hon Jon W Thompson - Concur; Hon Michael J Brown - Concur
51. 27-Sep-2016 FILED: Memorandum Decision Distribution List
52. 2-Nov-2016 FILED: Mandate, No record returned to superior court.
53. 5-Dec-2016 FILED: Motion that Appellant Did Not Receive the Court's Decision Dated 9/27/16 (Appellant Pro Per)
54. 15-Dec-2016 FILED: Letter, 12/15/16, from Court to Appellant, enclosing copy of Memorandum Decision
55. 24-Jan-2017 FILED: ASC Order filed 01/24/2017 re: Petition for Review Filing Fee
56. 25-Jan-2017 FILED: Email Notice from ASC re: Petition for Review filed 1/20/17; request for partial record

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57. 26-Jan-2017 ORDERED: reinstating this appeal for the purpose of transferring documents requested by the Arizona Supreme Court for review.
Amy M Wood - Author