Court of Appeals, Division One

Civil Appeal

1 CA-CV 16-0328 MCMULLAN, et al. v. CHW, et al.

Appellate Case Information

Case Filed: 7-Jun-2016

Case Closed:

Dept/Composition

Side 1. PATRICK JAMES MCMULLAN, et al., Plaintiff/Appellant

(Litigant Group) PATRICK JAMES MCMULLAN, et al.

- **Patrick James McMullan**
- **Leah L McMullan**
- **MacKenzie L McMullan, Minor Child**
- **Kayla N McMullan, Minor Child**
- **Kellie M McMullan, Minor Child**
- **Nora C McMullan, Minor Child**

Co-Counsel for: Plaintiffs/Appellants

Jeff Bouma, Esq. (AZ Bar No. 11808)

John A Elardo, Esq. (AZ Bar No. 15043)

Venessa J Bragg, Esq. (AZ Bar No. 25948)

Side 2. CATHOLIC HEALTHCARE WEST, et al., Defendant/Appellee

(Litigant Group) CATHOLIC HEALTHCARE WEST/DIGNITY, et al.

- **Dignity Health**
- **Catholic Healthcare West**
- **Chandler Regional Medical Center**
- **Mercy Gilbert Medical Center**

Co-Counsel for: Defendants/Appellees Dignity

Richard A Kent, Esq. (AZ Bar No. 6375)

Cynthia Y Patane, Esq. (AZ Bar No. 18439)

Mary G Isban, Esq. (AZ Bar No. 9731)

Melinda K Cekander, Esq. (AZ Bar No. 12085)

(Litigant Group) AACI FOOT, LEG AND ANKLE CARE; JOHN DAVID BROWN DPM - dismissed per order filed 09/12/2016

- **AACI Foot Leg and Ankle Care**
- **John David Brown, DPM** PRO SE

CASE STATUS

Oct 24, 2016.....Stayed

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2011-008923	Medical Negligence (See Complaint)		Jo Lynn Gentry, Authoring Judge of Order		

3 OPEN DUE DATES

Fee/Distribution List Removal Due **Due By:** Wednesday, July 6, 2016

Brown

Re: FILED: Appellees' Notice re: Appellees' Fees; Appellant's Brief/Case Management Statement Due

Reply Brief due **Due By:** Thursday, February 2, 2017

Re: FILED: Answering Brief; Certificate of Compliance for Answering Brief; Certificate of Service for Answering Brief (Appellees dignity)

Response to Motion due **Due By:** Wednesday, February 8, 2017

Re: FILED: Request for Extension of Time to File Appellants' Reply Brief; Certificate of Service (Appellant)

2 PENDING MATTERS

Div 1 Request for Oral Argument Filed: 15-Jan-2017

Request for Oral Argument (Appellee)

General Motion Filed: 25-Jan-2017

Request for Extension of Time to File Appellants' Reply Brief (Appellant)

38 PROCEEDING ENTRIES

1. 7-Jun-2016 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/09/16

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38 PROCEEDING ENTRIES

2.	7-Jun-2016	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None Sealed Documents: FD 05/18/15 Plaintiff's Reply in support of Motion for Sanctions (Filed under Seal)
3.	8-Jun-2016	FILED: Notice to Parties re: Appellants' Fee/Case Management Statement/Brief Due
4.	8-Jun-2016	FILED: Notice of Payment of Appellants' Filing Fee; Certificate of Service (Appellants)
5.	13-Jun-2016	RECEIPT No.: 2016-00719 ; $280.00, Authorization: 65004454119, Applied to: PATRICK JAMES MCMULLAN, et al. - Class A Filing Fee ($280.00) Paid for: Wilenchik & Bartness PC - By Integrated Resource Systems IN
6.	16-Jun-2016	FILED: Amended Notice of Appeal; Certificate of Service (Appellants)
7.	21-Jun-2016	FILED: Appellees' Notice re: Appellees' Fees; Appellant's Brief/Case Management Statement Due
8.	23-Jun-2016	RECEIPT No.: 2016-00779 ; $140.00, Check Number: #4966, Applied to: AACI FOOT, LEG AND ANKLE CARE - Class B Filing Fee ($140.00) Paid for: Jardine Baker Hickman & Houston PLLC - By DL INVESTIGATIONS & ATTORNEY SUPPORT, LLC
9.	28-Jun-2016	RECEIPT No.: 2016-00792 ; $140.00, Check Number: #4966, Applied to: CATHOLIC HEALTHCARE WEST/DIGNITY, et al. - Class B Filing Fee ($140.00) Paid for: Kent & Wittekind PC - By DL Investigations and Attorney Support LLC (Memo: x-ref Rcpt 2016-00779)
10.	28-Jun-2016	VOID RECEIPT No.: 2016-00779 - $-140.00, Check Number: #4966, - Applied to: AACI FOOT, LEG AND ANKLE CARE - Class B Filing Fee ($-140.00) Paid for: Jardine Baker Hickman & Houston PLLC - By: DL INVESTIGATIONS & ATTORNEY SUPPORT, LLC VOID Reason: x-ref 2016-00792 applied to incorrect account. alc
11.	1-Jul-2016	FILED: Request for Expedited Ruling on Extension of Time to File Appellants' Case Management Statement; Certificate of Service (Appellants)
12.	5-Jul-2016	ORDERED: Extending the time to file the Case Management Statement to/including 7/15/16. Melina Brill ProTem Judge - Author
13.	6-Jul-2016	FILED: Def/Appellee AACI's Notice of Payment of Filing Fee; Certification of Service (Appellee AACI)
14.	11-Jul-2016	RECEIPT No.: 2016-00847 ; $140.00, Authorization: #93010677673, Applied to: AACI FOOT, LEG AND ANKLE CARE - Class B Filing Fee ($140.00) Paid for: Jardine Baker Hickman & Houston PLLC - By Integrated Resources System IN
15.	15-Jul-2016	FILED: Case Management Statement (Appellants)
16.	21-Jul-2016	FILED: Case Management Statement (Appellees Dignity)
17.	21-Jul-2016	FILED: Notice of Appearance; Notice of Appearance (duplicate) (Appellees Dignity)
18.	22-Jul-2016	FILED: Request for Extension of Time to File Appellants Opening Brief; Certificate of Service (Appellants)
19.	25-Jul-2016	ORDERED: Request for Extension of Time to File Appellants Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-08-2016 to Wednesday, 09-07-2016. Melina Brill ProTem Judge - Author
20.	10-Aug-2016	FILED: Defendant/Appellee AACI's Motion to Dismiss; Certificate of Service (Appellee AACI)
21.	11-Aug-2016	FILED: Notice of Supplemental Citation of Authority; Certification of Service (Appellee AACI)
22.	18-Aug-2016	FILED: Motion to Dismiss Appeal as to AACI and Brown; Certificate of Service for Joinder and Motion to Dismiss (Appellee Dignity)
23.	6-Sep-2016	FILED: Stipulation of Substitution of Law Firm with Consent Pursuant to Ariz.R.Civ.P. 5.1(a)(2); Certificate of Service (Appellants)
24.	7-Sep-2016	FILED: Second Request for Extension of Time to File Appellants Opening Brief; Certificate of Service; Exhibits (Appellants)
25.	7-Sep-2016	FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellants) (stricken per order filed 12/06/2016)
26.	8-Sep-2016	ORDERED: Second Request for Extension of Time to File Appellants Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 09-07-2016 to Friday, 10-07-2016. Melina Brill ProTem Judge - Author

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38 PROCEEDING ENTRIES

27.	12-Sep-2016	RECEIPT No.: 2016-01127 ; $280.00, Authorization: #56003860678, Applied to: PATRICK JAMES MCMULLAN, et al. - Overpayment Class A ($280.00) Paid for: Elardo Bragg & Rossi PC - By Integrated Resource Systems IN (Memo: Duplicate Pmt - See Rcpt 2016-0719 - Refund Needed)
28.	12-Sep-2016	ORDERED: Stipulation of Substitution of Law Firm with Consent Pursuant to Ariz. R. Civ. P. 5.1(a)(2) (Appellant) = GRANTED/substituting law firm of Cronus Law, PLLC, in place of Wilenchik & Bartness, P.C., as law firm of record for appellants. FURTHER ORDERED: granting the motions (motions to dismiss) and dismissing AACI Foot Leg and Ankle Care and John David Brown, DPM, from appeal. FURTHER ORDERED: denying AACI's and Brown's request for attorney's fees. FURTHER ORDERED: granting AACI's and Brown's request for costs in an amount to be determined upon compliance with ARCAP 21 (b). Melina Brill ProTem Judge - Author
29.	13-Sep-2016	FILED: Verified Statement of Cost on Appeal; Verified Statement of Cost in Appeal (Appellee AACI)
30.	21-Sep-2016	FILED: Letter, 09/21/2016, from Court to Elardo Bragg & Rossi PC, refunding $280.00 due to duplicate payment
31.	5-Oct-2016	ORDERED: appellants shall pay $140.00 to AACI Foot Leg and Ankle Care for costs on appeal. Melina Brill ProTem Judge - Author
32.	7-Oct-2016	FILED: Appellants' Amended Opening Brief; Certificate of Compliance; Certificate of Service; Appendix (Appellants)
33.	20-Oct-2016	FILED: Motion for Clarification and to Suspend Briefing; Certificate of Service for Motion for Clarification and to Suspend Briefing (Appellee)
34.	24-Oct-2016	ORDERED: granting the request to suspend briefing and vacating the 10/24/2016 due date for the answering brief. The order ruling on the pending motion for clarification will set a due date for filing the answering brief. Melina Brill ProTem Judge - Author
35.	6-Dec-2016	ORDERED: striking the opening brief filed 09/07/2016. FURTHER ORDERED: accepting the amended opening brief filed 10/07/2016. FURTHER ORDERED: appellees' answering brief to the amended opening brief shall be due 01/17/2017. Melina Brill ProTem Judge - Author
36.	13-Jan-2017	FILED: Answering Brief; Certificate of Compliance for Answering Brief; Certificate of Service for Answering Brief (Appellees dignity)
37.	15-Jan-2017	FILED: Request for Oral Argument; Certificate of Service for Request for Oral Argument (Appellees)
38.	25-Jan-2017	FILED: Request for Extension of Time to File Appellants' Reply Brief; Certificate of Service (Appellant)

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