

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

**1 CA-CV 14-0849**

**CHIULLI v. BARRINGTON**

**Appellate Case Information**

Case Filed: 30-Dec-2014  
Case Closed:

**Dept/Composition**

**Department C**  
Hon. Patricia A Orozco  
Hon. Peter B Swann  
Hon. Jon W Thompson

**Side 1. TRYNA CHIULLI, a married woman, individually, and as parent and guardian of THANE PERNIE, deceased, Plaintiff/Appellant**  
**(Litigant Group) TRYNA CHIULLI**

• Tryna Chiulli

**Co-Counsel for: Plaintiff/Appellant**

Jeffrey S Kaufman, Esq. (AZ Bar No. 3269)  
Stephen J Gordon, Esq. (AZ Bar No. 23670)

**Side 2. ARTHUR LEE BARRINGTON and JANE DOE BARRINGTON, husband and wife; JEREMY BARRINGTON, an unmarried person, Defendant/Appellee**

**(Litigant Group) ARTHUR LEE BARRINGTON et al.**

• Arthur Lee Barrington

**Attorneys for: Defendants/Appellees**

Bradley R Jardine, Esq. (AZ Bar No. 5657)

• Jeremy Barrington

**CASE STATUS**

Dec 7, 2016.....Under Advisement

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2012-052404	Tort Non-Motor Vehicle, Wrongful Death		John R Hannah, Authoring Judge of Order		

**CALENDAR**

**Wednesday** MONTHLY COURT CASE CALENDAR  
**7-Dec-2016** Department C; COURTROOM 1  
1:30 PM

**72 PROCEEDING ENTRIES**

1. 30-Dec-2014 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/21/14  
Bond filed in Superior Court: 12/1/14  
Docketing Statement filed in Superior Court: None
2. 30-Dec-2014 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits - not sent at this time
3. 14-Jan-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4. 26-Jan-2015 FILED: Plaintiff/Appellant's Notice of Payment of Filing Fee; Certificate of Service
5. 29-Jan-2015 RECEIPT No.: 2015-00125 ; \$280.00, Authorization: #28020640068, Applied to: TRYNA CHIULLI - Class A Filing Fee (\$280.00)  
Paid for: Stephen J Gordon - By Integrated Resource Systems IN
6. 2-Feb-2015 FILED: Courtesy copy of Plaintiff/Appellant's Notice of Payment of Filing Fee
7. 3-Feb-2015 FILED: Case Management Statement (Appellant)
8. 23-Feb-2015 FILED: Case Management Statement (Appellees)
9. 13-Mar-2015 FILED: Plaintiff/Appellant's Motion to Extend the Time for Filing Brief and Appendix; Certificate of Service (Appellant)
10. 16-Mar-2015 ORDERED: Plaintiff/Appellant's Motion to Extend the Time for Filing Brief (Opening) = GRANTED. Due date EXTENDED from Monday, 03-16-2015 to Friday, 05-15-2015 Melina Brill ProTem Judge - Author
11. 20-Apr-2015 FILED: Reporter's Transcript of Proceedings - 7/16/14 - Jury Trial - Day 5 (Karen Noland)
12. 20-Apr-2015 FILED: Reporter's Transcript of Proceedings - 7/9/14 - Trial (Cynthia A Charest)
13. 20-Apr-2015 FILED: Reporter's Transcript of Proceedings - 7/10/14 - Trial (Kelly Farrell, Antoinette Franks, Renee Hunter)

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14. 20-Apr-2015 FILED: Reporter's Transcript of Proceedings - 7/14/14 - Jury Trial - Day 3 (Maryann Koletas, Donna Limerick, Karen Noland, Kathy Lattimore)
15. 20-Apr-2015 FILED: Reporter's Transcript of Proceedings - 7/15/14 - Jury Trial Day 4 (Dorothy Gravelle, Kathy Lattimore)
16. 1-May-2015 FILED: Reporter's Transcript of Proceedings - 7/16/14 - Trial to a Jury (Karen Noland)
17. 1-May-2015 FILED: Reporter's Transcript of Proceedings - 7/17/14 - Trial to a Jury (Donna Limerick)
18. 5-May-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
19. 8-May-2015 FILED: Defendants/Appellees' Notice of Payment of Filing Fee; Notice of Service of Defendants/Appellees' Notice of Payment of Filing Fee
20. 13-May-2015 RECEIPT No.: 2015-00653 ; \$140.00, Authorization: Ref1#32016407465, Applied to: ARTHUR LEE BARRINGTON et al. - Class B Filing Fee (\$140.00) Paid for: Jardine Baker Hickman & Houston PLLC - By Intresys Inc
21. 15-May-2015 FILED: Plaintiff-Appellant's Opening Brief on Appeal from a Final Judgment and Denial of a Motion for New Trial; Certificate of Compliance re: Appellant's Opening Brief; Certificate of Service
22. 15-May-2015 FILED: Plaintiff-Appellant's Appendix (Opening Brief)
23. 20-May-2015 FILED: Plaintiff/Appellant's Motion to Strike Portions of the Transcript of July 17, 2014; Certificate of Service (Appellant)
24. 2-Jun-2015 FILED: Response to Plaintiff/Appellant's Motion to Strike Portions of the Transcript of July 17, 2014; Certificate of Service (Appellees)
25. 12-Jun-2015 FILED: Response to Defendant/Appellee's Opposition to Plaintiff/Appellant's Motion to Strike Portions of the Transcript of July 17, 2014; Certificate of Service (Appellant)
26. 16-Jun-2015 ORDERED: Plaintiff/Appellant's Motion to Strike Portions of the Transcript of July 17, 2014 = GRANTED. FURTHER ORDERED: Striking pages 46 thru 98 of 7/17/14 transcript. FURTHER ORDERED: Staying appeal to/including 8/3/15 and revesting jurisdiction to Maricopa Superior Court to consider application for signed judgment re: Rule 54 (c). FURTHER ORDERED: If superior court grant application, appellant shall file a copy of signed judgment w/in 10 days after its entry. Appeal will automatically be reinstated. FURTHER ORDERED: If signed judgment has not been filed, appellant shall file a request to continue stay or appeal may be dismissed. FURTHER ORDERED: If signed judgment has been filed, answering brief shall be due on 9/2/15. Hon Randall M Howe - Author
27. 16-Jun-2015 FILED: Courtesy Copy of Response to Defendant/Appellee's Opposition to Plaintiff/Appellant's Motion to Strike Portions of the Transcript of July 17, 2014 (Appellant)
28. 6-Jul-2015 FILED: Defendants/ Apellees Response to Plaintiff's Motion for Entry of Final Judgment; Certificate of Service (Appellee)
29. 15-Jul-2015 ORDERED: taking no action on appellees' reponse to Plaintiff's Motion for Entry of Final Judgment. Melina Brill ProTem Judge - Author
30. 3-Aug-2015 FILED: Plaintiff/Appellant Tryna Chiulli's Status Report and Motion to Continue Stay; Certificate of Service (Appellant)
31. 4-Aug-2015 ORDERED: Plaintiff/Appellant Tryna Chiulli's Status Report and Motion to Continue Stay (Appellant) = GRANTED/continuing stay of appeal to/including 9/3/15 for purposes set forth in this court's 6/16/15 order. Appeal will be automatically reinstated on 9/4/15 unless before that date either party files a motion to dismiss appeal or motion to continue stay of appeal. FURTHER ORDERED: Answering brief shall be due on 10/2/15. Barbara Vidal Vaught ProTem Judge - Author
32. 7-Aug-2015 FILED: Courtesy Copy - Plaintiff/Appellant Tryna Chiulli's Status Report and Motion to Continue Stay (Appellant)
33. 3-Sep-2015 FILED: Plaintiff/Appellant Tryna Chulli's Second Status Report and Motion to Continue Stay of the Appeal; Certificate of Service (Appellant)
34. 8-Sep-2015 FILED: Courtesy Copy of Plaintiff/Appellant Tryna Chulli's Second Status Report and Motion to Continue Stay of the Appeal
35. 8-Sep-2015 ORDERED: Plaintiff/Appellant Tryna Chulli's Second Status Report and Motion to Continue Stay of the Appeal (Appellant) = DENIED. Melina Brill ProTem Judge - Author
36. 9-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes signed Second Amended Judgment with Rule 54(c) language)
37. 2-Oct-2015 FILED: Answering Brief; Certificate of Compliance for Answering Brief; Certificate of Service for Answering Brief (Appellee)

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38. 13-Oct-2015 FILED: Appellant Tryna Chiulli's Request for Oral Argument; Certificate of Service (Appellant)
39. 14-Oct-2015 FILED: Appellant Tryna Chiulli's Motion to File a Corrected Substitute Opening Brief; Certificate of Service (Appellant)
40. 19-Oct-2015 FILED: Courtesy Copy of Appellant Tryna Chiulli's Request for Oral Argument
41. 19-Oct-2015 FILED: Reply Brief; Certificate of Compliance for Reply Brief; Certificate of Service for Reply Brief (Appellant)
42. 19-Oct-2015 FILED: Plaintiff-Appellant's Appendix re: Reply Brief (Appellant)
43. 30-Oct-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
44. 9-Nov-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
45. 9-Nov-2015 FILED: Additional Record on Appeal  
Exhibits:  
Hearing Date: 07/09/2014 - LIST # 3,4,5,6,7,9,11,12,13,14,15,19,20,21,22,24,26,29,30,49,52,53,55,56,57,58,60 In a Box
46. 9-Nov-2015 ORDERED: Appellant Tryna Chiulli's Motion to File a Corrected Substitute Opening Brief(Appellant) = GRANTED. FURTHER ORDERED: Directing appellant to file substitute opening brief on/before 11/20/15. Melina Brill ProTem Judge - Author
47. 9-Nov-2015 FILED: Plaintiff-Appellant's Corrected Substitute Opening Brief on Appeal from a final Judgment and Denial of a Motion for a New Trial; Certificate of Compliance re Appellant's Corrected Substitute Opening Brief; Certificate of Service
48. 13-Nov-2015 ORDERED: Appellant Tryna Chiulli's Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
49. 31-Mar-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 5-25-16, 09:30 am, COURTROOM 2.
50. 8-Apr-2016 FILED: Notice of Oral Argument
51. 8-Apr-2016 FILED: Return Receipt for Notice of Oral Argument signed by Bradley R Jardine on 4/8/16 (Appellees)
52. 8-Apr-2016 FILED: Return Receipt for Notice of Oral Argument signed by Bradley R Jardine on 4/8/16 (Amended) (Appellees)
53. 12-Apr-2016 FILED: Return Receipt for Notice of Oral Argument signed by Stephen Gordon on 4/11/16 (Appellant)
54. 18-May-2016 FILED: Plaintiff/Appellants Motion to Continue Oral Argument Currently Scheduled for May 25, 2016; Certificate of Service (Appellant)
55. 19-May-2016 ORDERED: Staying appeal until further order. FURTHER ORDERED: Palintiff/Appellants Motion to Continue Oral Argument Currently Scheduled for May 25, 2016 (Appellant) = GRANTED/vacating oral argument set for 05/25/2016. FURTHER ORDERED: Bankruptcy proceedings status report due by appellant on 07/19/2016 or dismissal. Hon Patricia A Orozco - Author
56. 23-May-2016 FILED: Defendants Appellees Response to Motion to Continue Oral Argument Scheduled for May 25, 2016; Certificate of Service (Appellee)
57. 23-May-2016 FILED: Certificate of Service (Appellee)
58. 31-May-2016 FILED: Plaintiff/Appellants Objection to Defendants/Appellees Response to Reschedule Oral Argument Scheduled for May 25, 2016; Certificate of Service (Appellant)
59. 15-Jul-2016 FILED: Status Report Pursuant to May 19, 2016 Order; Certificate of Service (Appellant)
60. 23-Sep-2016 FILED: Plaintiff/Appellant's Supplemental Status Report; Plaintiff/Appellant's Certificate of Service re Supplemental Status Report (Appellant)
61. 27-Sep-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 11-21-16, 01:30 pm.
62. 28-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by Bradley R Jardine on 09/28/2016 (Appellee)
63. 28-Sep-2016 ORDERED: terminating stay of this appeal entered by this court on 05/19/2016. FURTHER ORDERED: setting Oral Argument on 11/21/2016, at 1:30 p.m. before Department C, Courtroom 2. Each side is allocated twenty minutes within which to present oral argument. Hon Patricia A Orozco - Author
64. 7-Oct-2016 FILED: Counsels Motion Requesting Another Oral Argument Date; Certificate of Service (Appellant)
65. 7-Oct-2016 FILED: Defendants'/Appellees Supplemental Citation of Authority; Defendants'/Appellees Supplemental Citation of Authority (duplicate) (Appellees)

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| 66. | 12-Oct-2016 | ORDERED: vacating oral argument on 11/21/2016, and resetting oral argument to 11/16/2016 at 1:30 p.m. in Courtroom 2 before Department C. Hon Patricia A Orozco - Author                      |
| 67. | 13-Oct-2016 | FILED: Receipt for Notice of Oral Argument, signed by Bradley R Jardine on 10/12/2016 (Appellees)   |
| 68. | 21-Oct-2016 | ORDERED: vacating oral argument on 11/16/2016, resetting oral argument to 12/07/2016 at 1:30 p.m. in Courtroom 1 before Department C. Hon Patricia A Orozco - Author                          |
| 69. | 24-Oct-2016 | FILED: Receipt for Notice of Oral Argument, signed by Bradley R Jardine on 10/24/2016 (Appellees)   |
| 70. | 25-Oct-2016 | FILED: Receipt for Notice of Oral Argument, signed by Stephen J Gordon on 10/25/2016; Plaintiff/Appellant's Certificate of Service re: Return Receipt for Notice of Oral Argument (Appellant) |
| 71. | 21-Nov-2016 | FILED: Defendants'/Appellees' Second Supplemental Citation of Authority; Defendants'/Appellees' Second Supplemental Citation of Authority (duplicate) (Appellees)                             |
| 72. | 7-Dec-2016  | FILED: Sign-in Sheet/Case is Under Advisement as of 12/07/2016 (Dept C)   |