

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0092

SOTO v. SACCO et al.

Appellate Case Information

Case Filed: 12-Feb-2015
Case Closed: 13-Dec-2016

Decision

Dept/Composition

Department D
Hon. Andrew W Gould
Hon. John C Gemmill
Hon. Margaret H Downie

Side 1. MICHAEL SOTO, et al., Plaintiff/Appellant

(Litigant Group) MICHAEL and JULIE KUNSTLER SOTO

- Michael Soto
- Julie Kunstler Soto

Attorneys for: Plaintiffs/Appellants

James M Abernethy, Esq. (AZ Bar No. 12955)

Side 2. ANTHONY M. SACCO, et al., Defendant/Appellee

(Litigant Group) ANTHONY M SACCO et al.

- Anthony M Sacco
- Total Transit Inc
- Discount Cab

Attorneys for: Defendants/Appellees

Edward G Hochuli, Esq. (AZ Bar No. 4566)
Whitney M Harvey, Esq. (AZ Bar No. 27974)
Justin M Ackerman, Esq. (AZ Bar No. 30726)

CASE STATUS

Dec 23, 2016....Case Closed

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2013-011046	Tort - Motor Vehicle		Michael D Gordon, Authoring Judge of Order		

DESCENDENT CASE (S)

ASC CV-16-0136-PR

CASE DECISION

19-May-2016 **OPINION**

Margaret Downie.....Author
Andrew Gould.....Concur
John Gemmill.....Concur

Filed: **19-May-2016** Mandate:

Decision Disposition
Affirmed

52 PROCEEDING ENTRIES

1. 12-Feb-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/14/15
2. 12-Feb-2015 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time
3. 2-Mar-2015 FILED: Notice to Parties re: Appellants' Fee/Case Management Statement/Brief Due
4. 5-Mar-2015 FILED: Reporter's Transcript of Proceedings 8/18/14 - Trial Day 1 (Lisa J Berkey) (Appellant)
5. 5-Mar-2015 FILED: Reporter's Transcript of Proceedings 8/19/14 - Trial Day 2 (Laura Blair) (Appellant)
6. 5-Mar-2015 FILED: Reporter's Transcript of Proceedings 8/20/14 - Trial Day 3 (Heather Boyd) (Appellant)
7. 5-Mar-2015 FILED: Notice of Filing and Serving Transcripts; Certificate of Service (Appellant)
8. 5-Mar-2015 FILED: Certificate of Service (Appellant)
9. 5-Mar-2015 FILED: Reporter's Transcript of Proceedings 11/18/14 (Wanda Eshleman) (Appellant)
10. 5-Mar-2015 FILED: Reporter's Transcript of Proceedings 12/16/14 (Wanda Eshleman) (Appellant)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 15-0092****SOTO v. SACCO et al.****52 PROCEEDING ENTRIES**

11. 10-Mar-2015 RECEIPT No.: 2015-00298 ; \$280.00, Authorization: 68022515003, Applied to: MICHAEL and JULIE KUNSTLER SOTO - Class A Filing Fee (\$280.00) Paid for: Law Office of James Michael Abernethy PLLC - By Integrated Resource Systems IN
12. 17-Mar-2015 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
13. 18-Mar-2015 FILED: Notice of Paying Filing Fee; Certificate of Service (Appellees)
14. 20-Mar-2015 RECEIPT No.: 2015-00371 ; \$140.00, Authorization: #78014195810, Applied to: ANTHONY M SACCO et al. - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By Integrated Resource Systems IN
15. 23-Mar-2015 FILED: Case Management Statement (Appellant)
16. 23-Mar-2015 FILED: Certificate of Service (Case Management Statement) (Appellant)
17. 1-May-2015 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service
18. 1-May-2015 FILED: (Appellant's Opening Brief) Appendix
19. 28-May-2015 FILED: Motion to Extend Briefing Schedule (Answering Brief); Certificate of Service (Appellee)
20. 1-Jun-2015 ORDERED: Motion to Extend Briefing Schedule (Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 06-15-2015 to Wednesday, 07-15-2015. Melina Brill ProTem Judge - Author
21. 15-Jul-2015 FILED: Answering Brief of Defendants Anthony M. Sacco, Total Transit, Inc., dba Discount Cab and Discount Enterprises, Inc.; Certificate of Compliance; Certificate of Service (Appellees)
22. 10-Aug-2015 FILED: Request for Oral Argument; Certificate of Service (Appellant)
23. 10-Aug-2015 FILED: Appellants' Reply Brief; Certificate of Compliance; Untitled Certificate of Service (Appellant)
24. 12-Aug-2015 FILED: Motion to Strike Portions of the Reply Brief; Certificate of Service (Appellee)
25. 26-Aug-2015 FILED: Plaintiffs/Appellants Response to Defendants/Appellees Motion to Strike Portions of the Reply Brief; Certificate of Service (Appellant)
26. 1-Sep-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
27. 8-Sep-2015 FILED: Reply in Support of Motion to Strike Portions of the Reply Brief; Certificate of Service (Appellee)
28. 10-Sep-2015 FILED: Additional Record on Appeal
Exhibits:
Hearing Date: 08/18/2014 - LIST # 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32 In Bo:
29. 11-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
30. 18-Sep-2015 ORDERED: (Court has considered appellees' Motion to Strike Portions of Reply Brief) deferring ruling on motion until after this appeal is assigned to a panel of this court for consideration on merits. Melina Brill ProTem Judge - Author
31. 21-Sep-2015 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
32. 29-Jan-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 3-2-16, 10:15 am, COURTROOM 1. (vacated per order filed 2/3/16 - rsl)
33. 3-Feb-2016 FILED: Notice of Oral Argument
34. 3-Feb-2016 FILED: Return Receipt for Notice of Oral Argument signed by Justin M Ackerman on 2/3/16 (Appellee)
35. 3-Feb-2016 ORDERED: parties file simultaneous supplemental briefs regarding timeliness of Sotos' notice of appeal no later than 2/25/16. FURTHER ORDERED: Vacating oral argument and conference currently set for 3/2/16. If court determines that it has jurisdiction, it will reset oral argument for a later date. Hon Andrew W Gould - Author
36. 25-Feb-2016 FILED: Appellant's Supplemental Brief; Certificate of Compliance; Certificate of Service

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Civil Appeal

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52 PROCEEDING ENTRIES

37. 25-Feb-2016 FILED: Appellees' Supplemental Brief Re: Timeliness of Appellants' Notice of Appeal; Certificate of Compliance; Certificate of Service
38. 1-Mar-2016 ORDERED: resetting oral argument in this matter for 4/27/16 at 3:15 pm. Hon Andrew W Gould - Author
39. 7-Mar-2016 FILED: Appellants Notice of Additional Address for Purpose of E-Mail Notifications; Certificate of Service
40. 15-Mar-2016 FILED: Appellant's Return Receipt (Signed by James Abernathy on 3/1/16); Appellant's Return Receipt (Signed by James Abernathy on 3/1/16) (Appellant)
41. 31-Mar-2016 FILED: Notice of Change of Firm Address; Certificate of Service (Appellee)
42. 19-Apr-2016 FILED: Supplemental Citation of Authority; Certificate of Service (Appellees)
43. 27-Apr-2016 FILED: Sign-in Sheet/Case is Under Advisement (Dept D)
44. 19-May-2016 FILED: Statement of Costs; Certificate of Service (Appellee)
45. 19-May-2016 OPINION (Affirmed) Hon Margaret H Downie - Author; Hon Andrew W Gould - Concur; Hon John C Gemmill - Concur
46. 19-May-2016 FILED: Opinion Distribution List
47. 20-Jun-2016 FILED: Email Notice from ASC re: Petition for Review filed 6/20/16; request for partial record
48. 21-Jun-2016 AMENDED ORDER: Statement of Costs (Appellee) = GRANTED/Awarding Appellant costs in amount of \$190.00. Ruth Willingham - Author
49. 21-Jun-2016 ORDERED: Statement of Costs (Appellee) = GRANTED/Awarding Appellee costs in amount of \$190.00. Ruth Willingham - Author
50. 23-Jun-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
51. 13-Dec-2016 FILED: Letter from ASC, 12/13/2016, re: Petition for Review GRANTED on 12/13/2016
52. 23-Dec-2016 FILED: Copy of Letter forwarding complete record to ASC