

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0144

ST GEORGE v. PLIMPTON

Appellate Case Information

Case Filed: 5-Mar-2015
Case Closed: 9-Jan-2017

Decision

Dept/Composition

Department D
Hon. Andrew W Gould
Hon. Peter B Swann
Hon. Patricia A Orozco

Side 1. KORTNEY RAE ST GEORGE and JOHN ST. GEORGE, wife and husband, Plaintiff/Appellant

(Litigant Group) KORTNEY RAE ST GEORGE et al.

- Kortney Rae St George
- John St George

Attorneys for: Plaintiffs/Appellants

Sal J Rivera, Esq. (AZ Bar No. 16728)

Side 2. CHARLES STEVEN PLIMPTON, M.D., individually; C. STEVEN PLIMPTON, M.D., P.C., an Arizona professional corporation; ELLEN MARIE FRANKLIN, CNM, individually; Defendant/Appellee

(Litigant Group) CHARLES STEVEN PLIMPTON, MD et al.

- Charles Steven Plimpton, MD
- C Steven Plimpton MD PC

Attorneys for: Defendants/Appellees Plimpton

Richard A Kent, Esq. (AZ Bar No. 6375)
Cynthia Y Patane, Esq. (AZ Bar No. 18439)
Eileen Dennis GilBride, Esq. (AZ Bar No. 9220)

(Litigant Group) ELLEN MARIE FRANKLIN, CNM

- Ellen Marie Franklin, CNM

Attorneys for: Defendant/Appellee Franklin

Stephen C Yost, Esq. (AZ Bar No. 11149)

CASE STATUS

Jan 9, 2017.....Case Closed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2012-005446	Medical Malpractice		Patricia A Starr, Authoring Judge of Order		

2 CASE DECISIONS

01-Nov-2016 MEMORANDUM DECISION

Vacated
(vacated per order filed 11/29/2016)-cdc

Filed: **01-Nov-2016** Mandate:

Decision Disposition
Affirmed

Andrew Gould.....Author
Peter Swann.....Concur
Patricia Orozco.....Concur

29-Nov-2016 OPINION

Andrew Gould.....Author
Peter Swann.....Concur
Patricia Orozco.....Concur

Filed: **29-Nov-2016** Mandate: **09-Jan-2017**

Decision Disposition
Affirmed

60 PROCEEDING ENTRIES

- 5-Mar-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/04/15
- 5-Mar-2015 FILED: e-Record on Appeal: Instruments/Minute Entries
- 12-Mar-2015 FILED: Notice to Parties re: Appellants' Fee/Case Management Statement/Brief Due

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4. 24-Mar-2015 RECEIPT No.: 2015-00384 ; \$280.00, Check Number: #5110, Applied to: KORTNEY RAE ST GEORGE et al. - Class A Filing Fee (\$280.00) Paid for: - By Rivera Law Group PC
5. 30-Mar-2015 FILED: Appellee's Notice re: Both Appellee's Fees Due/Appellant's Brief Due
6. 31-Mar-2015 FILED: Notice of Paying Filing Fee; Certificate of Service (Appellees Plimpton)
7. 1-Apr-2015 FILED: Case Management Statement (Appellant)
8. 2-Apr-2015 RECEIPT No.: 2015-00438 ; \$140.00, Authorization: Ref1#910221110497, Applied to: CHARLES STEVEN PLIMPTON, MD et al. - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By Intresys Inc
9. 9-Apr-2015 FILED: Notice of Paying Filing File; (Certificate of Service) Notice of Paying Filing File (duplicate) (Appellee Franklin)
10. 14-Apr-2015 RECEIPT No.: 2015-00476 ; \$140.00, Authorization: #3016636224, Applied to: ELLEN MARIE FRANKLIN, CNM - Class B Filing Fee (\$140.00) Paid for: Campbell Yost Clare & Norell PC - By Integrated Resource Systems IN
11. 4-May-2015 FILED: Motion for Extension of Time to File Brief; Certificate of Service (Appellant)
12. 5-May-2015 ORDERED: Motion for Extension of Time to File Brief (Appellant) (Opening) = GRANTED. Due date EXTENDED from Monday, 05-11-2015 to Wednesday, 06-10-2015.
13. 8-Jun-2015 FILED: Notice of Filing and Serving Transcript; Certificate of Service (Appellant)
14. 8-Jun-2015 FILED: Notice of Filing Original Transcript; Reporter's Transcript of Proceedings 12/5/14 (Kimberly C McCright); Certificate of Service (Appellant)
15. 10-Jun-2015 FILED: Motion to Supplement Record on Appeal; Certificate of Service (Appellant)
16. 10-Jun-2015 FILED: Appellants' Opening Brief; Plaintiffs/Appellants' Certificate of Compliance for Appellant's Opening Brief; Certificate of Service
17. 12-Jun-2015 FILED: Defendants/Appellees Plimpton's Joinder in Defendant Plimptons' Opposition to Plaintiffs' Motion to Supplement the Record on Appeal; Certificate of Service (Appellant)
18. 12-Jun-2015 FILED: Defendant Plimptons' Opposition to Plaintiffs' Motion to Supplement the Record on Appeal; Certificate of Service (Appellee)
19. 16-Jun-2015 FILED: Defendant Appellee Franklin's Notice of Errata as it Pertains to Defendants/Appellees Plimpton's Joinder in Defendant Plimptons' Opposition to Plaintiffs' Motion to Supplement the Record on Appeal; Certificate of Service
20. 26-Jun-2015 FILED: Appellants' Reply in Support of Their Motion to Supplement Record on Appeal; Certificate of Service (Appellant)
21. 30-Jun-2015 ORDERED: Denying Motion to Supplement. FURTHER ORDERED: Striking all references to the 9 pages of deposition testimony contained in Opening Brief pages 5 and 7. Melina Brill ProTem Judge - Author
22. 15-Jul-2015 FILED: Defendants/Appellees' Joint Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
23. 16-Jul-2015 ORDERED: Defendants/Appellees' Joint Motion for Extension of Time to File Answering Brief = GRANTED. Due date EXTENDED from Monday, 07-27-2015 to Wednesday, 08-26-2015 Melina Brill ProTem Judge - Author
24. 25-Aug-2015 FILED: Plimpton Defendants' Answering Brief; Certificate of Compliance; Certificate of Service
25. 25-Aug-2015 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee Franklin)
26. 28-Aug-2015 RECEIPT No.: 2015-01199 ; \$140.00, Authorization: #39017581234, Applied to: ELLEN MARIE FRANKLIN, CNM - Overpayment Class B (\$140.00) Paid for: Campbell Yost Clare & Norell PC - By Integrated Resource Systems IN (Memo: Overpayment - See Rcpt 2015-00476 - Refund Needed)
27. 14-Sep-2015 FILED: Unopposed Motion to Continue Deadline for Filing of Appellants' Reply Brief; Certificate of Service (Appellant)
28. 14-Sep-2015 FILED: Letter, 9/14/15, from Court to Appellee, returning duplicate filing fee
29. 17-Sep-2015 ORDERED: Unopposed Motion to Continue Deadline for Filing of Appellants' Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 09-21-2015 to Friday, 10-02-2015. Melina Brill ProTem Judge - Author

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30. 28-Sep-2015 FILED: Unopposed Motion to Continue Deadline for Reply Brief; Certificate of Service of Unopposed Motion (Appellant)
31. 29-Sep-2015 ORDERED: Unopposed Motion to Continue Deadline for Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 10-02-2015 to Monday, 11-02-2015. Melina Brill ProTem Judge - Author
32. 2-Nov-2015 FILED: Plaintiffs/Appellants' Request for Oral Argument; Certificate of Service (Appellant)
33. 2-Nov-2015 FILED: Appellants' Reply to Plimpton's Response Brief; Plaintiffs/Appellants' Certificate of Compliance for Reply to Plimpton's Response Brief; Certificate of Service
34. 2-Nov-2015 FILED: Appellants' Reply to Franklin's Response Brief; Plaintiffs/Appellants' Certificate of Compliance for Reply to Franklin's Response Brief; Certificate of Service
35. 3-Dec-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
36. 8-Dec-2015 ORDERED: Plaintiffs/Appellants' Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
37. 14-Dec-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
38. 30-Mar-2016 FILED: Notice of Change of Firm Address; Certificate of Service (Appellee)
39. 7-Jul-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 9-14-16, 11:00 am, COURTROOM 2.
40. 8-Aug-2016 ORDERED: vacating oral argument on 09/07/2016 and resetting oral argument on 09/14/2016, at 11:00 a.m. in Courtroom 2 before Departement D. Hon Andrew W Gould - Author
41. 9-Aug-2016 FILED: Notice of Change of Counsel of Record Within the Same Firm; Certificate of Service (Appellees)
42. 10-Aug-2016 FILED: Notice of Oral Argument
43. 11-Aug-2016 FILED: Receipt for Notice of Oral Argument, Signed by Stephen C Yost on 08/10/2016 (Appellee Franklin)
44. 15-Aug-2016 FILED: Receipt for Notice of Oral Argument, Signed by Eileen Dennis Gilbride on 08/11/2016 (Appellees Plimpton)
45. 6-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by Sal Rivera on 08/19/2016 (Appellants)
46. 12-Sep-2016 FILED: Ellen Marie Franklin, CNM's Notice of Subsequent Authorities; Certificate of Service (Appellee Franklin)
47. 14-Sep-2016 FILED: Sign-in Sheet/Case is Under Advisement as of 09/14/2016 (Dept D)
48. 1-Nov-2016 MEMORANDUM DECISION (Affirmed) Hon Andrew W Gould - Author; Hon Peter B Swann - Concur; Hon Patricia A Orozco - Concur (vacated per order filed 11/29/2016)
49. 1-Nov-2016 FILED: Memorandum Decision Distribution List
50. 4-Nov-2016 FILED: Statement of Costs; Certificate of Service (Appellee)
51. 7-Nov-2016 FILED: Joint Request for Publication; Certificate of Service (Appellees Plimpton/Franklin)
52. 9-Nov-2016 ORDERED: Plaintiffs/Appellants shall file any response (re: Motion to Publish), if any, no later than 11/21/2016. Hon Andrew W Gould - Author
53. 21-Nov-2016 FILED: Response to Joint Request for Publication; Certificate of Service (Appellant)
54. 22-Nov-2016 FILED: Defendant/Appellee Ellen Marie Franklin's Statement of Costs; Defendant/Appellee Ellen Marie Franklin's Statement of Costs (Appellee Franklin)
55. 29-Nov-2016 ORDERED: Joint Request for Publication (Appellees Plimpton/Franklin) = GRANTED. FURTHER ORDERED: Memorandum Decision filed 11/01/2016 is vacated. FURTHER ORDERED: an Opinion shall be forthcoming. Hon Andrew W Gould - Author
56. 29-Nov-2016 OPINION (Affirmed) Hon Andrew W Gould - Author; Hon Peter B Swann - Concur; Hon Patricia A Orozco - Concur
57. 29-Nov-2016 FILED: Opinion Distribution List
58. 5-Dec-2016 ORDERED: awarding defendant/appellee her costs in the amount of \$176.00. Amy M Wood - Author

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60 PROCEEDING ENTRIES

- 59. 20-Dec-2016 ORDERED: awarding Defendants/Appellees their costs in the amount of \$192.00. Amy M Wood - Author
- 60. 9-Jan-2017 FILED: Mandate, No record returned to superior court.