

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0476

STAFFORD v. BURNS et al.

Appellate Case Information

Case Filed: 20-Jul-2015

Case Closed:

Dept/Composition

Department A

Hon. Kenton D Jones
Hon. Randall M Howe
Hon. Donn Kessler

Side 1. DALTON SCOTT STAFFORD and KRISTINE MAJOR STAFFORD, Parents of JESSE TREY STAFFORD, Deceased, Plaintiff/Appellant (Litigant Group) DALTON SCOTT STAFFORD

- Dalton Scott Stafford
- Kristine Major Stafford

Co-Counsel for: Plaintiffs/Appellants

B Elliot Grysen, Esq. (AZ Bar No. 11871)
David L Abney, Esq. (AZ Bar No. 9001)

Side 2. ANNE M. BURNS, M.D. and JOHN DOE BURNS, husband and wife; EMPOWER EMERGENCY PHYSICIANS, P.C., Defendant/Appellee (Litigant Group) ANNE M BURNS et al.

- Anne M Burns
- Empower Emergency Physicians

Attorneys for: Defendants/Appellees

Eileen Dennis GilBride, Esq. (AZ Bar No. 9220)
Cristina M Chait, Esq. (AZ Bar No. 15094)

CASE STATUS

Jan 17, 2017.....Decision Rendered

Jan 4, 2017.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2013-000019	Medical Negligence		John Christian Rea, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-17-0002-PR

2 OPEN DUE DATES

Motion for Reconsideration due

Due By: Wednesday, February 1, 2017

Re: OPINION (Affirmed) Hon Kenton D Jones - Author; Hon Randall M Howe - Concur; Hon Donn Kessler - Concur

Petition for Review to ASC due

Due By: Thursday, February 16, 2017

Re: OPINION (Affirmed) Hon Kenton D Jones - Author; Hon Randall M Howe - Concur; Hon Donn Kessler - Concur

2 CASE DECISIONS

29-Nov-2016 OPINION

Withdrawn
withdrawn per order filed 01/17/2017

Kenton Jones.....Author
Randall Howe.....Concur
Donn Kessler.....Concur

Filed: 29-Nov-2016 Mandate:

Decision Disposition
Jurisdiction Accepted
Relief Denied

17-Jan-2017 OPINION

Kenton Jones.....Author
Randall Howe.....Concur
Donn Kessler.....Concur

Filed: 17-Jan-2017 Mandate:

Decision Disposition
Affirmed

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42 PROCEEDING ENTRIES

1. 20-Jul-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/19/15
2. 20-Jul-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits - not sent at this time
3. 28-Jul-2015 FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4. 6-Aug-2015 FILED: Motion for Oral Argument; Certificate of Service for Motion for Oral Argument (Appellant)
5. 6-Aug-2015 FILED: Case Management Statement (Appellant)
6. 12-Aug-2015 RECEIPT No.: 2015-01114 ; \$280.00, Authorization: Ref1#23019138715, Applied to: DALTON SCOTT STAFFORD - Class A Filing Fee (\$280.00) Paid for: Knapp & Roberts PC - By Intresys Inc
7. 13-Aug-2015 FILED: Notice of Paying Filing Fee; Certificate of Service (Appellees)
8. 18-Aug-2015 RECEIPT No.: 2015-01143 ; \$140.00, Authorization: 29017743471, Applied to: ANNE M BURNS et al. - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By Integrated Resource Systems IN
9. 22-Sep-2015 FILED: Motion to Extend Time for Filing Opening Brief; Certificate of Service for Motion to Extend Time for Filing Opening Brief (Appellant)
10. 24-Sep-2015 ORDERED: Motion to Extend Time for Filing Opening Brief; (Appellant) = GRANTED. Due date EXTENDED from Monday, 09-28-2015 to Wednesday, 10-28-2015. Melina Brill ProTem Judge - Author
11. 28-Oct-2015 FILED: Motion to Add Transcript of January 22, 2015 Hearing Concerning Juror No. 10; Certificate of Service for Motion to Add Transcript of January 22, 2015 Hearing Concerning Juror No. 10; Reporter's Transcript – 01/22/2015 - Trial Day 11 - Excerpt (Kimberly C McCright) (Appellant)
12. 28-Oct-2015 FILED: Opening Brief of Plaintiffs-Appellants; Certificate of Compliance for Opening Brief; Certificate of Service for Opening Brief
13. 17-Nov-2015 FILED: Response to Motion to Add Transcript of January 22, 2015 Hearing Concerning Juror No. 10; Certificate of Service (Appellee)
14. 8-Dec-2015 ORDERED: granting appellants' motion and supplementing record on appeal w/ certified transcript of 1/22/15 hearing. Melina Brill ProTem Judge - Author
15. 11-Dec-2015 FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
16. 14-Dec-2015 ORDERED: Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 12-14-2015 to Wednesday, 01-13-2016. Melina Brill ProTem Judge - Author
17. 13-Jan-2016 FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
18. 8-Feb-2016 FILED: Reply Brief of Plaintiffs-Appellants; Certificate of Compliance for Reply Brief; Certificate of Service for Reply Brief
19. 2-Mar-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
20. 9-Mar-2016 ORDERED: Motion for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
21. 11-Mar-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
22. 11-Mar-2016 FILED: Additional Record on Appeal:
Exhibits: HD 1/5/15 - List and # 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 33 40 46 47 51 52
54 55 57 59 60 62 127 186 189 194 197 204 205 206 208 209 210 212 214 215 216 219 222 in box.
23. 30-Mar-2016 FILED: Notice of Change of Firm Address; Certificate of Service (Appellee)
24. 29-Aug-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 10-11-16, 11:30 am, COURTROOM 2.
25. 2-Sep-2016 ORDERED: (per Eaton Fruit Co. v. California Spray-Chemical Corp) staying appeal to/including 09/15/2016. Superior Court ruling on application for signed orders corresponding to 05/08/2015 minute entry due within 5 days after its entry. If appeal has not been reinstated by timely filing of a signed order, appeal shall be automatically reinstated before this court on 09/16/2016. Hon Kenton D Jones Judge - Author

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26. 6-Sep-2016 FILED: Notice of Oral Argument
27. 6-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by Eileen Dennis Gilbride on 09/06/2016 (Appellees)
28. 7-Sep-2016 FILED: Receipt for Notice of Oral Argument, signed by David L Abney on 09/06/2016; Certificate of Service for Notice of Filing Return Receipt for Notice of Oral Argument (Appellants)
29. 8-Sep-2016 FILED: Certificate of Service for Return Receipt of Notice of Oral Argument on Behalf of Appellant; Receipt for Notice of Oral Argument, signed by B Elliot Grysen on 09/07/2016 (Appellant)
30. 11-Oct-2016 FILED: Sign-in Sheet/Case is Under Advisement as of 10/11/2016 (Dept A)
31. 28-Nov-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
32. 29-Nov-2016 OPINION (Jurisdiction Accepted, Relief Denied) Hon Kenton D Jones - Author; Hon Randall M Howe - Concur; Hon Donn Kessler - Concur
33. 29-Nov-2016 FILED: Opinion Distribution List
34. 1-Dec-2016 FILED: Statement of Costs; Certificate of Service (Appellee)
35. 14-Dec-2016 FILED: Motion for Reconsideration; Certificate of Compliance for Motion for Reconsideration; Certificate of Service for Motion for Reconsideration (Appellant)
36. 19-Dec-2016 ORDERED: Motion for Reconsideration (Appellant) = DENIED. Hon Kenton D Jones - Author
37. 22-Dec-2016 ORDERED: awarding Defendants/Appellees their costs in the amount of \$212.00. Amy M Wood - Author
38. 4-Jan-2017 FILED: Email Notice from ASC re: Petition for Review filed 1/3/17; request for partial record
39. 5-Jan-2017 FILED: Letter forwarding partial record to Arizona Supreme Court
40. 17-Jan-2017 ORDERED: withdrawing the Opinion issued by the Court on 11/29/2016. FURTHER ORDERED: directing the clerk to replace the Opinion filed 11/29/2016 with the Opinion filed this date. This amendment changes only the basis of this court's jurisdiction and does not, in any manner, alter or modify the substance of the decision. FURTHER ORDERED: this order be distributed to all parties who received notice of this Court's Opinion of 11/29/2016. Hon Kenton D Jones - Author
41. 17-Jan-2017 OPINION (Affirmed) Hon Kenton D Jones - Author; Hon Randall M Howe - Concur; Hon Donn Kessler - Concur
42. 17-Jan-2017 FILED: Opinion Distribution List