

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

Table with 6 columns: PREDECESSOR CASE (S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2011-008923, Medical Negligence (See Complaint), Jo Lynn Gentry, Authoring Judge of Order.

OPEN DUE DATE

Reply Brief due

Due By: Wednesday, February 22, 2017

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

[1 extension]

PENDING MATTER

Div 1 Request for Oral Argument

Filed: 15-Jan-2017

Request for Oral Argument (Appellee)

39 PROCEEDING ENTRIES

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

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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
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

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**Civil Appeal**

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**39 PROCEEDING ENTRIES**

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)
39. 26-Jan-2017 ORDERED: Request for Extension of Time to File Appellants' Reply Brief (Appellant) = GRANTED in part/extending time for filing reply brief for 20 days to/including 02/22/2017. Melina Brill ProTem Judge - Author