

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 22-0540**

**STUCKY v. TJC TRAINING**

**Appellate Case Information**

Case Filed: 26-Aug-2022

Case Closed:

**Dept/Composition**

**Department D**

Hon. David D Weinzweig  
Hon. Michael S Catlett  
Hon. Maria Elena Cruz

**Side 1. JENNIFER STUCKY, Plaintiff/Appellant**

(Litigant Group) JENNIFER STUCKY

• Jennifer Stucky

PRO SE

**Side 2. TJC TRAINING, LLC, et al., Defendant/Appellee**

(Litigant Group) TJC TRAINING, LLC, et al.

• TJC Training LLC

• Anthony Capullo

• Gerald Acuff, Jr

• Maryann Acuff

**Attorneys for: Defendants/Appellees**

Michael C Van, Esq. (AZ Bar No. 31969)

**CASE STATUS**

Mar 21, 2024....Pending Closure

**PREDECESSOR CASE (S)**

MAR CV2018-007718

**Cause/Charge/Class**

Declaratory Judgment

**Judgment/Sentence**

**Judge, Role <Comments>**

M Scott McCoy, Authoring  
Judge of Order

**Trial**

**Dispo**

**DESCENDENT CASE (S)**

ASC CV-23-0271-PR

**OPEN DUE DATE**

**Stay Request (re: Writ of Certiorari) due**

**Due By:**

Friday, April 5, 2024

Re: Minute Letter of ASC: Petition for Review DENIED

**CASE DECISION**

**03-Oct-2023 MEMORANDUM DECISION**

David Weinzweig.....Author

Michael Catlett.....Concur

Maria Cruz.....Concur

Filed: 03-Oct-2023

Mandate:

Decision Disposition

**Affirmed**

**60 PROCEEDING ENTRIES**

1. 26-Aug-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/30/22
2. 26-Aug-2022 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits: Hearing Date 5/3/22 2, 2.001, 7, 11, 12, 21, 25, 44, 47, 48, 54, 55, 56, 59, 64, 66, 67, 68, 70, 71, 73, 78, 79, 81, 87, 92, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126
3. 31-Aug-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 7-Sep-2022 FILED: Notice of Appearance and Notice of Payment of Filing Fee; Appellant's Certificate of Service (Appellant Pro Per)
5. 7-Sep-2022 FILED: Reporter's Transcript - 09/02/2020 - Status Conference (John Buckley for Dorothy Gravelle) (Appellant Pro Per)
6. 7-Sep-2022 FILED: Reporter's Transcript - 01/05/2021 - Oral Argument (Kimberly C. McCright) (Appellant Pro Per)
7. 7-Sep-2022 FILED: Reporter's Transcript - 05/03/2022 - Evidentiary Hearing (Kimberly C. McCright) (Appellant Pro Per)
8. 7-Sep-2022 FILED: Reporter's Transcript - 06/14/2021 - Status Conference (Kimberly C. McCright) (Appellant Pro Per)

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9.	7-Sep-2022	FILED: Reporter's Transcript - 05/05/2021 - Jury Trial-Day 3 (Kimberly C. McCright) (Appellant Pro Per)
10.	7-Sep-2022	FILED: Reporter's Transcript - 05/03/2021 - Jury Trial-Day 1 (Kimberly C. McCright) (Appellant Pro Per)
11.	7-Sep-2022	FILED: Reporter's Transcript - 05/04/2021 - Jury Trial-Day 2 (Kimberly C. McCright) (Appellant Pro Per)
12.	7-Sep-2022	FILED: Reporter's Transcript - 04/27/2022 - Telephonic Hearing (Coleen Rand) (Appellant Pro Per)
13.	7-Sep-2022	FILED: Reporter's Transcript - 10/11/2021 - Oral Argument (Coleen Rand) (Appellant Pro Per)
14.	7-Sep-2022	FILED: Reporter's Transcript - 02/11/2022 - Oral Argument (Coleen Rand) (Appellant Pro Per)
15.	7-Sep-2022	FILED: Reporter's Transcript - 08/04/2021 - Status Conference (Coleen Rand) (Appellant Pro Per)
16.	7-Sep-2022	FILED: Reporter's Transcript - 01/04/2019 - Videotaped Deposition of Anthony John Capullo (Jean M. Dahlberg) (Appellant Pro Per)  [Stricken per order filed 09/09/2022]
17.	7-Sep-2022	FILED: Reporter's Transcript - 05/02/2019 - Deposition of Jennifer L. Stucky (Carol A. McCue) (Appellant Pro Per)
18.	7-Sep-2022	FILED: Reporter's Transcript - 05/01/2019 - Videotaped Deposition of Gerald Joseph Acuff, Jr. (Phyllis M. Rissky) (Appellant Pro Per)  [Stricken per order filed 09/09/2022]
19.	7-Sep-2022	FILED: Reporter's Transcript - 10/26/2020 - Deposition of Gerald Joseph Acuff, Jr. (Kelly D. Hopkins) (Appellant Pro Per)
20.	9-Sep-2022	ORDERED: Striking those transcripts [of 01/04/2019 and 05/01/2019 depositions]. Melina Brill ProTem Judge - Author
21.	12-Sep-2022	FILED: Reporter's Transcript - 01/04/2019 - Videotaped Deposition of Anthony John Capullo (Jean M. Dahlberg) (Appellant Pro Per)
22.	12-Sep-2022	FILED: Reporter's Transcript - 05/01/2019 - Videotaped Deposition of Gerald Joseph Acuff, Jr. (Phyllis M. Rissky) (Appellant Pro Per)
23.	13-Sep-2022	RECEIPT No.: 2022-00952 ; \$280.00, Authorization: #56012044392, Applied to: JENNIFER STUCKY - Class A Filing Fee (\$280.00) Paid for: JENNIFER STUCKY - By nCourt LLC
24.	20-Sep-2022	FILED: Case Management Statement; Copy of MAR County Superior Court ME Order filed 07/18/2022 re: Motion for Relief from Judgment; Copy of MAR County Superior Court ME filed 03/06/2019 re: Orders and Rulings (Appellant Pro Per)
25.	20-Sep-2022	FILED: Certification of Service (Appellant Pro Per)
26.	20-Sep-2022	FILED: Reporter's Transcript - 03/12/2021 - Oral Argument (Kimberly C. McCright) (Appellant Pro Per)
27.	21-Sep-2022	ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 10/21/2022. Signed order re: ME of 08/11/2022 filed 08/15/2022 due within 10 days after its entry. FURTHER ORDERED: Appellant wants this court to review ruling on motion for relief from judgment or order, she must file timely amended notice of appeal. If appeal reinstated by filing of signed order before 10/21/2022, opening brief due 11/21/2022. Melina Brill ProTem Judge - Author
28.	4-Oct-2022	FILED: Copy of MAR County Superior Court ME Order filed 09/30/2022 re: Revesting Jurisdiction in this Court
29.	5-Oct-2022	FILED: Duplicate copy of MAR County Superior Court ME Order filed 09/30/2022 re: Reverting Jurisdiction in this Court
30.	7-Oct-2022	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
31.	10-Oct-2022	FILED: Supplemented Superior Court e-Record with Revised Index of Record
32.	14-Oct-2022	FILED: Amended Notice of Appeal; Appellant's Certificate of Service (Appellant Pro Per)
33.	24-Oct-2022	FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes Amended Notice of Appeal)
34.	17-Nov-2022	FILED: Motion to Stay Appeal; Appellant's Certificate of Service (Appellant Pro Per)
35.	17-Nov-2022	FILED: Amended Notice of Appeal; Appellant's Certificate of Service (Appellant Pro Per)
36.	17-Nov-2022	FILED: Case Management Statement (Updated) (Appellant Pro Per)
37.	17-Nov-2022	FILED: Certification of Service (Appellant Pro Per)

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38.	18-Nov-2022	ORDERED: Vacating the 11/21/2022 due date for the opening brief. The order ruling on the pending motion to stay will address the briefing schedule. Barbara Vidal Vaught - Author
39.	22-Nov-2022	FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of Amended Notice of Appeal)
40.	8-Dec-2022	ORDERED: Motion to Stay Appeal (Appellant Pro Per) = GRANTED and, pursuant to Arizona Rule of Civil Appellate Procedure 3(b), staying this appeal until 01/23/2023. FURTHER ORDERED: Revesting jurisdiction in MAR County Superior Court and authorizing that court to consider pending Rule 60 motions. FURTHER ORDERED: Stay will be lifted automatically on 01/23/2023, unless before that date appellant files a motion to continue stay of this appeal. FURTHER ORDERED: Within 10 days after superior court rules on motions, appellant must file a notice in this court with rulings attached. FURTHER ORDERED: If a party wants this court to review any additional rulings, that party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: Opening brief is due 02/22/2023. Melina Brill ProTem Judge - Author
41.	30-Jan-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes Rule 60 Order)
42.	3-Feb-2023	FILED: Amended Notice of Appeal; Appellant's Certificate of Service (Appellant Pro Per)
43.	13-Feb-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
44.	23-Feb-2023	FILED: Appellant's Opening Brief; Appellant's Opening Brief (Certificate of Compliance); Appellant's Certificate of Service (Appellant Pro Per)
45.	23-Feb-2023	FILED: Appellant's Certificate of Service (Duplicate) (Appellant Pro Per)
46.	4-Apr-2023	FILED: Appellees' Answering Brief; Appellees' Certificate of Compliance; Appellees' Certificate of Service (Appellee)
47.	10-Apr-2023	RECEIPT No.: 2023-00345 ; \$140.00, Authorization: #00008862159, Applied to: TJC TRAINING, LLC, et al. - Class B Filing Fee (\$140.00) Paid for: Michael C Van - By nCourt LLC
48.	24-Apr-2023	FILED: Motion Requesting Court Deem Appeal Submitted Solely on the Record and the Appellant's Opening Brief Due to Failure of Timely Payment by Appellee under Ariz. R. Civ App. P. 12.; Appellant's Certificate of Service (Appellant Pro Per)
49.	24-Apr-2023	FILED: Request for Oral Argument; Appellant's Certificate of Service (Appellant Pro Per)
50.	24-Apr-2023	FILED: Appellant's Reply Brief; Certificate of Compliance; Appellant's Certificate of Service (Appellant Pro Per)
51.	26-Apr-2023	ORDERED: Motion Requesting Court Deem Appeal Submitted Solely on the Record and the Appellant's Opening Brief Due to Failure of Timely Payment by Appellee under Ariz. R. Civ App. P. 12. (Appellant Pro Per) = DENIED. Melina Brill ProTem Judge - Author
52.	28-Apr-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
53.	5-May-2023	ORDERED: Request for Oral Argument (Appellant Pro Per) = DENIED. Hon Kent E Cattani - Author
54.	8-May-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
55.	30-May-2023	CLNDR: CONFERENCE, Department D, 8-16-23, COURTROOM 1.
56.	3-Oct-2023	MEMORANDUM DECISION (Affirmed) Hon David D Weinzwieg - Author; Hon Michael S Catlett - Concur; Hon Maria Elena Cruz - Concur
57.	3-Oct-2023	FILED: Memorandum Decision Distribution List
58.	3-Nov-2023	FILED: Email Notice from ASC re: Petition for Review filed 11/01/2023; request for partial record
59.	3-Nov-2023	FILED: Letter forwarding partial record to Arizona Supreme Court
60.	21-Mar-2024	FILED: Letter from ASC, 03/21/2024, re: Petition for Review DENIED on 03/21/2024