

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0171

GARCIA, et al. v. DEALERS AUTO

Appellate Case Information

Case Filed: 29-Mar-2023

Case Closed:

Dept/Composition

Department D

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

Side 1. DIANA PIMENTEL GARCIA, et al., Plaintiff/Appellant

(Litigant Group) DIANA PIMENTEL GARCIA, et al.

- Diana Pimentel Garcia
- Abraham Martin Castro Ramos
- Bihanca Luz Garcia Perez
- Jose Martinez
- Mark Anthony Wunderly
- Josue Parra Bojorquez
- Jason S Carlyle
- Fredy Perez Vargas
- Arely Lopez
- Brandon Castillo
- Federico Lopez Santos

Attorneys for: Plaintiffs/Appellants

Hyung S Choi, Esq. (AZ Bar No. 15669)

Veronika Fabian, Esq. (AZ Bar No. 18770)

Side 2. DEALERS AUTO AUCTION OF THE SOUTHWEST, LLC, Defendant/Appellee

(Litigant Group) DEALERS AUTO AUCTION OF THE SOUTHWEST, LLC

- Dealers Auto Auction of the Southwest LLC

Attorneys for: Defendant/Appellee

Dennis I Wilenchik, Esq. (AZ Bar No. 5350)

John D Wilenchik, Esq. (AZ Bar No. 29353)

Karl M Worthington, Esq. (AZ Bar No. 18703)

CASE STATUS

Feb 21, 2024....Pending in ASC

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2021-091953	Tort Non Motor Vehicle		Roger E Brodman, Authoring Judge of Order		

DESCENDENT CASE (S)

ASC CV-24-0006-PR

CASE DECISION

21-Dec-2023 MEMORANDUM DECISION

Maria Cruz.....Author

David Weinzweig.....Concur

Michael Catlett.....Concur

Filed: 21-Dec-2023

Mandate:

Decision Disposition

Reversed
Remanded

32 PROCEEDING ENTRIES

1. 29-Mar-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/28/23
2. 29-Mar-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: None
3. 29-Mar-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0171****GARCIA, et al. v. DEALERS AUTO****32 PROCEEDING ENTRIES**

4.	31-Mar-2023	FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
5.	6-Apr-2023	RECEIPT No.: 2023-00335 ; \$280.00, Authorization: 96004941055, Applied to: DIANA PIMENTEL GARCIA, et al. - Class A Filing Fee (\$280.00) Paid for: Choi & Fabian PLC - By nCourt LLC (Memo: x-ref 2023-00333 incorrect case info provided to receipt writer)
6.	11-Apr-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
7.	13-Apr-2023	FILED: Case Management Statement; Exhibit A (Appellant)
8.	20-Apr-2023	FILED: Notice of Payment of Appellee's Filing Fee; Certificate of Service of Defendant/Appellee's Notice of Payment of Filing Fee (Appellee)
9.	26-Apr-2023	RECEIPT No.: 2023-00386 ; \$140.00, Authorization: #16004758457, Applied to: DEALERS AUTO AUCTION OF THE SOUTHWEST, LLC - Class B Filing Fee (\$140.00) Paid for: Wilenchik & Bartness PC - By nCourt LLC
10.	30-May-2023	FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
11.	28-Jun-2023	FILED: Motion for Procedural Order - Stipulation for Extension of Time to File Brief; Certificate of Service of Motion for Procedural Order - Stipulation for Extension of Time to File Brief (Appellee)
12.	29-Jun-2023	ORDERED: Motion for Procedural Order - Stipulation for Extension of Time to File Brief (Appellee) = GRANTED and extending the time to file the answering brief from 07/10/2023 to 08/09/2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Barbara Vidal Vaught ProTem Judge - Author
13.	8-Aug-2023	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
14.	28-Aug-2023	FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
15.	12-Sep-2023	FILED: Appellee's Request for Oral Argument (Appellee)
16.	22-Sep-2023	ORDERED: Appellee's Request for Oral Argument (Appellee) = GRANTED. Hon David B Gass - Author
17.	27-Sep-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
18.	6-Oct-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
19.	25-Oct-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 12-6-23, 10:15 am, COURTROOM 2.
20.	30-Oct-2023	FILED: Notice of Oral Argument
21.	30-Oct-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Veronika Fabian on 10/30/2023 (Appellant)
22.	27-Nov-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Karl Worthington on 11/27/2023 (Appellee)
23.	6-Dec-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 12/06/2023
24.	21-Dec-2023	MEMORANDUM DECISION (Reversed, Remanded) Hon Maria Elena Cruz - Author; Hon David D Weinzwieg - Concur; Hon Michael S Catlett - Concur
25.	21-Dec-2023	FILED: Memorandum Decision Distribution List
26.	5-Jan-2024	FILED: Application for Award of Attorneys' Fees and Costs; Certificate of Service (Appellant)
27.	11-Jan-2024	FILED: ASC Order extending the time to file a Petition for Review to 2/21/24
28.	22-Jan-2024	FILED: Appellee's Response to Application for Award of Attorneys' Fees and Costs; Certificate of Service (Appellees)
29.	29-Jan-2024	FILED: Reply Memorandum in Support of Application for Award of Attorneys' Fees and Costs; Certificate of Service (Appellant)
30.	6-Feb-2024	ORDERED: Application for Award of Attorneys' Fees and Costs (Appellant) = GRANTED in the amount of \$476.28 (Costs) and, in the exercise of the Court's discretion, granting Plaintiff/Appellants attorneys' fees in the amount of \$39,595. Hon Maria Elena Cruz - Author
31.	27-Feb-2024	FILED: Email Notice from ASC re: Petition for Review filed 2/21/24; request for partial record
32.	27-Feb-2024	FILED: Letter forwarding partial record to Arizona Supreme Court