

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0238

DELEON v. NWOJO, et al.

Appellate Case Information

Case Filed: **4-May-2023**

Case Closed: **28-Mar-2024**

Decision

Dept/Composition

Department F

Hon. Daniel J Kiley

Hon. Kent E Cattani

Hon. D Steven Williams

Side 1. RICHARD DELEON, Plaintiff/Appellant

(Litigant Group) RICHARD DELEON

- Richard DeLeon

Attorneys for: Plaintiff/Appellant

Robert M Gregory, Esq. (AZ Bar No. 21805)

Side 2. MCCAULAY NWOJO, et al., Defendant/Appellee

(Litigant Group) MCCAULAY NWOJO, et al.

- McCaulay Nwojo

Attorneys for: Defendant/Appellee Nwojo

Robin E Burgess, Esq. (AZ Bar No. 15330)

- Elizabeth Nwojo

(Litigant Group) UDAYA KUMAR KAKARLA, et al.

[Dismissed per 05/25/2023 Order]

CASE STATUS

Mar 28, 2024....Case Closed

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2018-093889	Medical Negligence		Peter A Thompson, Authoring Judge of Order		

CASE DECISION

12-Feb-2024 MEMORANDUM DECISION

Daniel Kiley.....Author

Kent Cattani.....Concur

D Williams.....Concur

Filed: **13-Feb-2024**

Mandate: **28-Mar-2024**

Decision Disposition

Affirmed

35 PROCEEDING ENTRIES

1.	4-May-2023	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 04/05/23 appealing the 3/13/23 Judgment and the Notice of Appeal filed on 4/5/23 from Maricopa County Superior Court appealing 3/15/23 Judgment
2.	4-May-2023	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3.	4-May-2023	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4.	6-May-2023	FILED: Appellant Richard DeLeon's Notice of Payment of Filing Fee; Plaintiff's Certificate of Service of Notice of Payment of Filing Fee (Appellant)
5.	11-May-2023	RECEIPT No.: 2023-00433 ; \$280.00, Authorization: #31007225356, Applied to: RICHARD DELEON - Class A Filing Fee (\$280.00) Paid for: Gregory Law Group - By nCourt LLC
6.	12-May-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
7.	15-May-2023	FILED: Defendants/Appellees Notice of Payment of Filing Fee; Defendants/Appellees Certificate of Service (Appellees Kakarla et al.)
8.	15-May-2023	FILED: Motion to Dismiss Appeal for Lack of Jurisdiction; Certificate of Service for Motion to Dismiss Appeal for Lack of Jurisdiction (Appellees Kakarla et al.)
9.	18-May-2023	RECEIPT No.: 2023-00452 ; \$140.00, Authorization: #38006203678, Applied to: UDAYA KUMAR KAKARLA, et al. - Class B Filing Fee (\$140.00) Paid for: Kent & Wittekind PC - By nCourt LLC

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0238****DELEON v. NWOJO, et al.****35 PROCEEDING ENTRIES**

10. 18-May-2023 ORDERED: Vacating the 07/03/2023 due date for the opening brief. The order ruling on the pending motion to dismiss will set a due date to file the opening brief, if the motion is denied. Melina Brill ProTem Judge - Author
11. 18-May-2023 FILED: Defendants/Appellees [sic] Nwojo's Notice of Payment of Filing Fee; Defendants/Appellees [sic] Nwojo's Certificate of Service (Appellee Nwojo)
12. 24-May-2023 RECEIPT No.: 2023-00462 ; \$140.00, Authorization: #44011994050, Applied to: MCCAULAY NWOJO - Class B Filing Fee (\$140.00) Paid for: Sanders & Parks PC - By nCourt LLC
13. 24-May-2023 FILED: Plaintiff/Appellant's Response to Motion to Dismiss Appeal for Lack of Jurisdiction; Plaintiff/Appellant's Certificate of Service for Response to Defendants/Appellees' Motion to Dismiss Appeal for Lack of Jurisdiction; Transcript: Final Trial Management Conference (Excerpt) (Appellant)
14. 24-May-2023 FILED: Case Management Statement; Case Management Statement Additional Contact Information (Appellant)
15. 25-May-2023 ORDERED: Motion to Dismiss Appeal for Lack of Jurisdiction (Appellees Kakarla et al.) = GRANTED and dismissing this appeal as to Udaya Kumar Kakarla and Neurological Associates, Ltd. d/b/a Barrow Brain and Spine. FURTHER ORDERED: Amending the caption and docket in this appeal by removing Udaya Kumar Kakarla and Neurological Associates, Ltd. d/b/a Barrow Brain and Spine as parties to this appeal. The caption shown on this order shall be used on all future documents filed in this appeal. FURTHER ORDERED: The opening brief pertaining to the judgment in favor of McCaulay Nwojo and Elizabeth Nwojo is due on 07/06/2023. Melina Brill ProTem Judge - Author
16. 26-Jun-2023 FILED: Appellant's Motion to Amend Case Management Statement; Plaintiff/Appellant's Certificate of Service of Motion to Amend Case Management Statement (Appellant)
17. 3-Jul-2023 FILED: Appellant's Emergency Motion to Continue Due Date for Opening Brief; Plaintiff/Appellant's Certificate of Service of Emergency Motion to Continue Date for Plaintiff's Opening Brief; Declaration of Robert Gregory in Support of Emergency Motion to Continue Due Date for Opening Brief (Appellant)
18. 3-Jul-2023 ORDERED: Appellant's Emergency Motion to Continue Due Date for Opening Brief (Appellant) = GRANTED and extending the time to file the opening brief from 07/06/2023 to 08/07/2023. If the brief is not timely filed, the court will dismiss this appeal. Barbara Vidal Vaught ProTem Judge - Author
19. 10-Jul-2023 FILED: Appellee's Opposition to Appellant's Motion to Amend Case Management Statement; Defendant/Appellee Nwojo's Certificate of Service; Exhibit One Minute Entry Dated 02/03/23 (Appellee)
20. 11-Jul-2023 FILED: Appellant's Reply to Appellee's Response in Opposition to Appellant's Motion to Amend Case Management Statement; Plaintiff/Appellant's Certificate of Service of Reply to Appellee's Response in Opposition of Motion to Amend Case Management Statement (Appellant)
21. 18-Jul-2023 ORDERED: Appellant's Motion to Amend Case Management Statement (Appellant) = GRANTED and allowing appellant to file an amended case management statement by 07/28/2023. This court does not express an opinion regarding the merits of any issue to be raised in this appeal. Appellant is reminded that the opening brief is due on 08/07/2023. If the opening brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
22. 19-Jul-2023 FILED: Case Management Statement (Amended Case Management Statement) (Appellant)
23. 2-Aug-2023 FILED: Appellant's Opening Brief; Appellant's Certificate of Compliance Opening Brief; Appellant's Certificate of Service Opening Brief; Reporter's Transcript - 03/13/2023 - Final Trial Management Conference (Excerpt) (Kimberly McCright) (Appellant)
24. 11-Aug-2023 FILED: Appellee's Motion for Extension of Time to File Answering Brief; Defendant/Appellee Nwojo's Certificate of Service (Appellee)
25. 14-Aug-2023 ORDERED: Appellee's Motion for Extension of Time to File Answering Brief (Appellee) = DENIED. Melina Brill ProTem Judge - Author
26. 17-Aug-2023 FILED: Appellee's Amended Motion for Extension of Time to File Answering Brief; Defendant/Appellee Nwojo's Certificate of Service; Exhibit 1 (Appellee)
27. 18-Aug-2023 ORDERED: Appellee's Amended Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED and extending the time to file the answering brief from 09/11/2023 to 10/11/2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
28. 11-Oct-2023 FILED: Appellee's Answering Brief; Defendant/Appellee Nwojo's Certificate of Compliance; Defendant/Appellee Nwojo's Certificate of Service (Appellee)
29. 27-Oct-2023 FILED: Appellant's Reply Brief; Appellant's Certificate of Compliance for Plaintiff's Reply Brief; Appellant's Certificate of Service for Plaintiff's Reply Brief (Appellant)
30. 21-Dec-2023 CLNDR: CONFERENCE, Department F, 2-8-24, CONFERENCE ROOM.

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31.	13-Feb-2024	MEMORANDUM DECISION (Affirmed) Hon Daniel J Kiley - Author; Hon Kent E Cattani - Concur; Hon D Steven Williams - Concu
32.	13-Feb-2024	FILED: Decision Distribution Notification
33.	15-Feb-2024	FILED: Defendant/Appellee's Verified Statement of Costs; Defendant/Appellee Nwojo's Certificate of Service; Exhibit Statement of Costs (Appellees)
34.	6-Mar-2024	ORDERED: Defendant/Appellee's Verified Statement of Costs (Appellees) = GRANTED and awarding Appellee taxable costs in the amount of \$140.00. Hon Daniel J Kiley - Author
35.	28-Mar-2024	FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.