

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0571****SMITH, et al. v. DELLARIPA, et al.****Appellate Case Information**

Case Filed: 15-Sep-2023

Case Closed:

Dept/Composition**Department B**Hon. Andrew M Jacobs
Hon. Jennifer M Perkins
Hon. David D Weinzwieg**Side 1. HERMAN B. SMITH, et al., Plaintiff/Appellant****(Litigant Group) HERMAN B. SMITH, et al.**

- Herman B Smith
- Vital Signs Anesthesia Inc

Attorneys for: Plaintiff/AppellantRobert J Itri, Esq. (AZ Bar No. 10938)
Chelsea L Gulinson, Esq. (AZ Bar No. 34886)
Elizabeth C Fine, Esq. (AZ Bar No. 30054)
Cober Plucker, Esq. (AZ Bar No. 24758)**Side 2. JAMES S. DELLARIPA, et al., Defendant/Appellee****(Litigant Group) JAMES S. DELLARIPA, et al.**

- James S Dellaripa
- Ginger Dellaripia
- James Dellaripa MD PLLC
- Southwest Anesthesia Group LLC
- IOM LLC
- Chaparral Medical Billing Company LLC

Attorneys for: Defendants/AppelleesBlake E Whiteman, Esq. (AZ Bar No. 10521)
Joseph A Brophy, Esq. (AZ Bar No. 26662)**CASE STATUS**

Apr 26, 2024....Assigned

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---------------------|--------------------|-------------------|-------------------------------------------|-------|-------|
| MAR CV2020-011176 | Contracts;Fraud | | Dewain D Fox, Authoring Judge of Order | | |

CALENDARTuesday MONTHLY COURT CASE CALENDAR
11-Jun-2024 Department B; COURTROOM 2
10:00 AM*Mixed***28 PROCEEDING ENTRIES**

- 15-Sep-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 08/18/23
- 15-Sep-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: None
- 18-Sep-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 28-Sep-2023 RECEIPT No.: 2023-00921 ; \$280.00, Check Number: #21979, Applied to: HERMAN B. SMITH, et al. - Class A Filing Fee (\$280.00) Paid for: - By Milligan Lawless PC
- 29-Sep-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
- 6-Oct-2023 FILED: Case Management Statement (Appellant)
- 10-Oct-2023 FILED: Appellants' Motion for Procedural Order (to File Opening Brief); Certificate of Service (Appellant)
- 11-Oct-2023 FILED: Appellees' Motion To Determine Jurisdiction; Certificate of Service (Appellant)
- 11-Oct-2023 ORDERED: Appellants' Motion for Procedural Order (to File Opening Brief) (Appellant) = DENIED. Melina Brill ProTem Judge - Author
- 12-Oct-2023 ORDERED: Vacating the 11/17/2023 due date for the opening brief. The order ruling on the pending motion (motion to determine jurisdiction) will set a due date to file the opening brief, if the appeal is not dismissed. Melina Brill ProTem Judge - Author

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| 11. | 16-Oct-2023 | FILED: Notice of Payment of Appellees' Filing Fee; Certificate of Service (Appellee) |
| 12. | 20-Oct-2023 | RECEIPT No.: 2023-00994 ; \$140.00, Authorization: #93005936624, Applied to: JAMES S. DELLARIPA, et al. - Class B Filing Fee (\$140.00) Paid for: Jennings Haug Keleher McLeod LLP - By nCourt LLC |
| 13. | 30-Oct-2023 | FILED: Appellants' Response to Appellees' Motion to Determine Jurisdiction; Certificate of Service (Appellants) |
| 14. | 20-Nov-2023 | ORDERED: Appellees' Motion To Determine Jurisdiction (Appellant) = GRANTED as set forth herein. FURTHER ORDERED: The opening brief is due on 12/22/2023. If the opening brief is not timely filed, the court will dismiss this appeal. Hon D Steven Williams - Author |
| 15. | 15-Dec-2023 | FILED: Appellants' Motion for Procedural Order Extending Time to File Opening Brief Due to Exigent Family Circumstances; Certification of Service (Appellant) |
| 16. | 15-Dec-2023 | FILED: Notice of Appearance; Certification of Service (Appellant) |
| 17. | 18-Dec-2023 | FILED: Amended Motion for Procedural Order Extending Time to File Opening Brief Due to Exigent Family Circumstances; Certification of Service; Exhibit A (To Amended Motion for Procedural Order Extending Time to File Opening Brief Due to Exigent Family Circumstances) (Appellant) |
| 18. | 18-Dec-2023 | ORDERED: Appellants' Motion for Procedural Order Extending Time to File Opening Brief Due to Exigent Family Circumstances (Appellant) = GRANTED. Due date EXTENDED from Friday, 12-22-2023 to Friday, 01-05-2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author |
| 19. | 5-Jan-2024 | FILED: Appellants' Opening Brief; Certificate of Compliance; Certification of Service (Appellant) |
| 20. | 9-Jan-2024 | FILED: Appellants' Request for Oral Argument; Certification of Service (Appellant) |
| 21. | 9-Jan-2024 | FILED: Notice of Appearance; Certification of Service (Appellant) |
| 22. | 14-Feb-2024 | FILED: Appellees' Answering Brief; Certificate of Compliance; Certification of Service (Appellee) |
| 23. | 5-Mar-2024 | FILED: Appellants' Reply Brief; Certificate of Compliance; Certification of Service (Appellant) |
| 24. | 13-Mar-2024 | ORDERED: Appellants' Request for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author |
| 25. | 2-Apr-2024 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |
| 26. | 12-Apr-2024 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 27. | 26-Apr-2024 | CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 6-11-24, 10:00 am, COURTROOM 2. |
| 28. | 26-Apr-2024 | FILED: Notice of Oral Argument |