

**Court of Appeals, Division One**  
**Industrial Commission**

**1 CA-IC 22-0032**

**AGUIRRE v. GOODYEAR/COPPERPOINT**

**Appellate Case Information**

Case Filed: 25-Jul-2022

Case Closed: 1-Apr-2024

Dismissal

**Dept/Composition**

**Department B**

Hon. Jennifer M Perkins

Hon. Angela K Paton

Hon. D Steven Williams

**Side 1. GILBERT AGUIRRE, Petitioner**

**(Litigant Group) GILBERT AGUIRRE**

- Gilbert Aguirre

**Attorney for: Petitioner**

Thomas C Whitley, Esq. (AZ Bar No. 5518)

Nicholas C Whitley, Esq. (AZ Bar No. 32741)

**Side 2. THE INDUSTRIAL COMMISSION OF ARIZONA,**

**Respondent,**

**CITY OF GOODYEAR,**

**Respondent Employer,**

**COPPERPOINT AMERICAN INSURANCE CO,**

**Respondent Insurance Carrier., Respondent**

**(Litigant Group) ICA**

- Industrial Commission of Arizona

**Attorneys for: Respondent ICA**

Afshan Peimani, Esq. (AZ Bar No. 26156)

**(Litigant Group) CITY OF GOODYEAR/COPPERPOINT AMERICAN INSURANCE CO**

- City of Goodyear, Respondent Employer
- Copperpoint American Insurance Company, Respondent Insurance Carrier

**Attorneys for: Respondent Employer/Carrier**

Sharon M Hensley, Esq. (AZ Bar No. 10989)

Mark A Kendall, Esq. (AZ Bar No. 12221)

**Side 3. INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO, CLC ("IAFF"), Amicus Curiae**

**(Litigant Group) INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO, CLC ("IAFF")**

- International Association of Fire Fighters

**Attorneys for: Amicus Curiae**

D Andrew Gaona, Esq. (AZ Bar No. 28414)

Peter J Leff, Esq. (DC Bar No. 457476)

Austin C Yost, Esq. (AZ Bar No. 34602)

Arthur R Traynor, Esq. (DC Bar No. 988730)

**CASE STATUS**

Apr 1, 2024.....Case Closed

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
ICA 20152040228			Michelle Bodi, Administrative Law Judge		
INSCA 15A00579			Comments: (none)		

**Court of Appeals, Division One**  
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**AGUIRRE v. GOODYEAR/COPPERPOINT**

**CASE DECISION**

**28-Feb-2024 ORDER**

ORDERED: Unopposed Motion for Dismissal of Special Action - Industrial Commission, to Quash Writ of Review and to Remand to Industrial Commission of Arizona (Respondent Employer/Carrier) = GRANTED.

Filed: **28-Feb-2024**

Mandate:

Decision Disposition

**Dismissed**

**Jennifer Perkins**.....Author

**50 PROCEEDING ENTRIES**

1. 25-Jul-2022 FILED: Petition for Special Action - Industrial Commission; Certificate of Service to Petition for Special Action - Industrial Commission (Petitioner)
2. 29-Jul-2022 FILED: Writ of Review  
FILED: Certificate of Mailing re: Writ of Review
3. 3-Aug-2022 RECEIPT No.: 2022-00822 ; \$280.00, Authorization: #15005258311, Applied to: GILBERT AGUIRRE - Class A Filing Fee (\$280.00) Paid for: Taylor & Associates PLLC - By nCourt LLC
4. 3-Aug-2022 FILED: e-Record on Appeal:  
ALJ Hearing File (2 volumes)  
Claims File (1 volume)
5. 3-Aug-2022 FILED: Notice of Appearance; Certificate of Service (Respondent ICA)
6. 3-Aug-2022 FILED: Notice of Appearance; Certificate of Service (Respondent Employer/Carrier)
7. 9-Aug-2022 RECEIPT No.: 2022-00841 ; \$140.00, Authorization: #21004272835, Applied to: CITY OF GOODYEAR/COPPERPOINT AMERICAN INSURANCE CO - Class B Filing Fee (\$140.00) Paid for: CopperPoint Insurance Companies - By nCourt LLC
8. 12-Sep-2022 FILED: Opening Brief of Petitioner Employee Gilbert Aguirre; Certificate of Compliance; Certificate of Service (Petitioner)
9. 21-Oct-2022 FILED: Notice of Appearance; Certificate of Service (Respondent Employer/Carrier)
10. 21-Oct-2022 FILED: Answering Brief of Respondent Employer and Respondent Carrier; Certificate of Compliance; Certificate of Service (Respondent Employer/Carrier)
11. 21-Oct-2022 FILED: Appendix to Answering Brief of Respondent Employer and Respondent Carrier (Respondent Employer/Carrier)
12. 2-Nov-2022 FILED: Motion for Procedural Order Extending Time to File Petitioner Employee's Reply Brief; Certificate of Service - Motion for Procedural Order Extending Time to File Petitioner Employee's Reply Brief (Petitioner)
13. 4-Nov-2022 ORDERED: Motion for Procedural Order Extending Time to File Petitioner Employee's Reply Brief (Petitioner) = GRANTED. Due date EXTENDED from Thursday, 11-10-2022 to Monday, 11-14-2022. If the brief is not timely filed, the court will submit this special action for decision on the record and the filed briefs. Barbara Vidal Vaught - Author
14. 14-Nov-2022 FILED: Reply Brief of Petitioner Employee Gilbert Aguirre; Certificate of Compliance Petitioner Employee's Reply Brief; Certificate of Service - Petitioner Employee's Reply Brief (Petitioner)
15. 5-Dec-2022 FILED: Motion for Leave to File Amicus Curiae Brief; Certificate of Service (Amicus Curiae)
16. 5-Dec-2022 FILED: Brief of Amicus Curiae International Association of Fire Fighter's in Support of Petitioner; Certificate of Compliance; Certificate of Service (Amicus Curiae)
17. 5-Jan-2023 CLNDR: CONFERENCE, Department B, 2-14-23, CONFERENCE ROOM.
18. 18-Jan-2023 FILED: Respondent Employer/Respondent Insurance Carrier Response to Brief of Amicus Curiae of International Association of Fire Fighters; Certificate of Compliance; Certificate of Service (Respondent Employer/Carrier)
19. 18-Jan-2023 FILED: Appendix to Respondent Employer/Respondent Insurance Carrier Response to Brief of Amicus Curiae of International Association of Fire Fighters (Respondent Employer/Carrier)
20. 19-Jan-2023 ORDERED: Motion for Leave to File Amicus Curiae Brief (Amicus Curiae) = GRANTED and accepting the amicus curiae brief of International Association of Fire Fighters filed 12/05/2022. FURTHER ORDERED: Accepting Respondent Employer/Respondent Insurance Carrier Response and Appendix filed 01/18/2023. Hon Jennifer M Perkins - Author

**Court of Appeals, Division One****Industrial Commission****1 CA-IC 22-0032****AGUIRRE v. GOODYEAR/COPPERPOINT****50 PROCEEDING ENTRIES**

21. 6-Feb-2023 ORDERED: Vacating conference in this matter scheduled for 02/14/2023. FURTHER ORDERED: Amicus curiae and counsel for each party, shall submit supplemental briefing, not to exceed 7,000 words, no later than Wednesday, 03/17/2023, addressing the following issues: (see order). FURTHER ORDERED: Setting oral argument in this matter for Tuesday, 04/04/2023, at 10:15 a.m. before Department B in Courtroom 1. Parties shall each have 20 minutes to present their arguments. Amicus curiae may have 10 minutes to present its arguments, and Appellees [sic] shall have corresponding additional time to respond to Amicus curiae. Hon Jennifer M Perkins - Author
22. 15-Feb-2023 ORDERED: Vacating oral argument scheduled for 4/4/23 at 10:00 am and resetting the argument in this matter for 4/11/23 at 10:15 am before Department B, Courtroom 1. Hon Jennifer M Perkins - Author
23. 3-Mar-2023 FILED: Notice of Oral Argument
24. 3-Mar-2023 FILED: Return Receipt Re Oral Argument, signed by Mark Kendall on 3/3/23 (Respondent Employer/Carrier)
25. 20-Mar-2023 FILED: Supplemental Brief of Petitioner Employee Gilbert Aguirre; Certificate of Compliance - Petitioner Employee's Supplemental Brief; Certificate of Service - Petitioner Employee's Supplemental Brief (Petitioner)
26. 20-Mar-2023 FILED: Motion to Accept Petitioner Employee's Supplemental Brief as Timely Filed; Certificate of Service - Motion to Accept Petitioner Employee's Supplemental Brief as Timely Filed (Petitioner)
27. 22-Mar-2023 FILED: Memorandum: Technical Issues Impacting Electronic Filing (A. Wood)
28. 22-Mar-2023 FILED: Supplemental Brief Of Amicus Curiae International Association Of Fire Fighters In Support Of Petitioner; Certificate of Compliance; Certificate of Service (Amicus Curiae)
29. 23-Mar-2023 FILED: Supplemental Brief of Respondent Employer/Respondent Carrier; Certificate of Compliance; Certificate of Service (Respondent Employer/Carrier)
30. 23-Mar-2023 FILED: Motion to Accept Respondent Employer and Respondent Carrier's Supplemental Brief as Timely Filed; Certificate of Service (Respondent Employer/Carrier)
31. 24-Mar-2023 FILED: Return Receipt Re Oral Argument, signed by Thomas C. Whitley, on 03/03/2023 (Petitioner)
32. 28-Mar-2023 FILED: Motion of Local Counsel for Pro Hac Vice Admission of Arthur R. Traynor; Certificate of Service (Amicus Curiae)
33. 28-Mar-2023 ORDERED: Accepting as timely Petitioner's Supplement brief filed 3/20/23 and Respondents' Supplemental Brief filed 3/23/23. Hon Jennifer M Perkins - Author
34. 29-Mar-2023 FILED: Motion of Local Counsel for Pro Hac Vice Admission of Peter J. Leff; Certificate of Service (Amicus Curiae)
35. 4-Apr-2023 FILED: Return Receipt Re Oral Argument, signed by Arthur Traynor, on 3/3/23 (Amicus Curiae)
36. 6-Apr-2023 ORDERED: Motion of Local Counsel for Pro Hac Vice Admission of Peter J. Leff and Arthur R. Traynor (Amicus Curiae) = GRANTED. Hon Jennifer M Perkins - Author
37. 11-Apr-2023 FILED: Sign-in Sheet/Case is Under Advisement as of 4/11/23
38. 21-Jun-2023 FILED: Joint Motion for Procedural Order to Hold Appeal in Abeyance Pending Continuing Settlement Negotiations; Certificate of Service (Respondent Employer/Carrier)
39. 23-Jun-2023 ORDERED: Joint Motion for Procedural Order to Hold Appeal in Abeyance Pending Continuing Settlement Negotiations (Respondent Employer/Carrier) = GRANTED/staying this appeal until 9/15/23. FURTHER ORDERED: Directing parties to file a status report by 9/4/23 if a motion to dismiss the appeal is not filed before that date. Hon Jennifer M Perkins - Author
40. 30-Aug-2023 FILED: Status Report Regarding Settlement Progress / Joint Motion for Procedural Order to Extend Stay of Appeal; Certificate of Service (Respondent Employer/Carrier)
41. 31-Aug-2023 ORDERED: Continuing the stay of this appeal. FURTHER ORDERED: directing the parties to file a status report describing the status of this settlement by 11/15/23 unless a motion to dismiss is filed before that date. Hon Jennifer M Perkins - Author
42. 17-Oct-2023 FILED: Notice of Substitution of Counsel; Certificate of Service: Notice of Substitution of Counsel (Respondent ICA)
43. 7-Nov-2023 FILED: Status Report Regarding Settlement Progress / Joint Motion for Procedural Order to Extend Stay of Appeal; Certificate of Service (Respondent Employer/Carrier)
44. 8-Nov-2023 ORDERED: Status Report Regarding Settlement Progress / Joint Motion for Procedural Order to Extend Stay of Appeal (Respondent Employer/Carrier) = GRANTED. Continuing the stay of this appeal. FURTHER ORDERED: Directing the parties to file a status report by 02/15/2024, that describes the status of the settlement, if a motion to dismiss the appeal is not filed before that date. Hon Jennifer M Perkins - Author

**Court of Appeals, Division One****Industrial Commission****1 CA-IC 22-0032****AGUIRRE v. GOODYEAR/COPPERPOINT****50 PROCEEDING ENTRIES**

45.	6-Feb-2024	FILED: Status Report Regarding Settlement / Joint Motion For Procedural Order To Extend Stay Of Appeal And Remand Jurisdiction To The Industrial Commission Of Arizona; Certificate of Service (Respondent Employer/Carrier)
46.	13-Feb-2024	ORDERED: Status Report Regarding Settlement / Joint Motion For Procedural Order To Extend Stay Of Appeal And Remand Jurisdiction To The Industrial Commission Of Arizona (Respondent Employer/Carrier) = continuing the stay of this appeal until 03/01/2024. FURTHER ORDERED: Remanding this matter to the Industrial Commission of Arizona to allow it to consider the parties' settlement agreement. FURTHER ORDERED: That on or before 03/01/2024, parties shall file a notice of the Industrial Commission's decision regarding approval of the settlement agreement. Hon Jennifer M Perkins - Author
47.	22-Feb-2024	FILED: Unopposed Motion for Dismissal of Special Action - Industrial Commission, to Quash Writ of Review and to Remand to Industrial Commission of Arizona; Certificate of Service (Respondent Employer/Carrier)
48.	28-Feb-2024	ORDERED: Unopposed Motion for Dismissal of Special Action - Industrial Commission, to Quash Writ of Review and to Remand to Industrial Commission of Arizona (Respondent Employer/Carrier) = GRANTED. Hon Jennifer M Perkins - Author
49.	1-Apr-2024	FILED: Letter, 4/1/24, Certified Copy of Order dismissing appeal [sic]. No physical record to be returned to clerk, Industrial Commission of Arizona.
50.	2-Apr-2024	FILED: Amended letter, 4/2/24, Certified Copy of Order dismissing special action. No physical record to be returned to clerk, Industrial Commission of Arizona.