

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

**1 CA-IC 22-0041**

**PETERSON v. NAVAJO/TRAVELERS**

**Appellate Case Information**

Case Filed: 29-Sep-2022  
Case Closed:

**Dept/Composition**

**Department D**

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

**Side 1. DAVID PETERSON, Petitioner Employee**

**(Litigant Group) PETERSON**

- David Peterson

**Attorney for: Petitioner Employee**

Joel F Friedman, Esq. (AZ Bar No. 7688)

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

**Respondent,**

**NAVAJO EXPRESS INC.,**

**Respondent Employer,**

**TRAVELERS INDEMNITY CO.,**

**Respondent Carrier., Respondent**

**(Litigant Group) ICA**

- Industrial Commission of Arizona

**Attorney for: Respondent ICA**

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

**(Litigant Group) NAVAJO/TRAVELERS**

- Navajo Express Inc, Respondent Employer
- Travelers Indemnity Company, Respondent Insurance Carrier

**Attorney for: Respondent Employer/Carrier**

Javier Arturo Puig, Esq. (AZ Bar No. 22977)

David Lundmark, Esq. (AZ Bar No. 35003)

**CASE STATUS**

Mar 21, 2024....Pending Closure

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
ICA 20192700079			Jeanne Steiner, Authoring Judge of Order		
INSCA 127-CB-FMP6119-E			Comments: (none)		

**DESCENDENT CASE(S)**

ASC CV-23-0268-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

**2 CASE DECISIONS**

**23-Nov-2022 ORDER**

\*\*\*Vacated\*\*\*

ORDERED: Dismissing this appeal and quashing the writ of review.

Barbara Vidal Vaught.....Author

Filed: 23-Nov-2022

Mandate:

Decision Disposition

**Dismissed**

**Court of Appeals, Division One****Industrial Commission****1 CA-IC 22-0041****PETERSON v. NAVAJO/TRAVELERS****2 CASE DECISIONS****07-Sep-2023 MEMORANDUM DECISION**

**Michael Catlett**.....Author  
**David Weinzwieg**.....Concur  
**Maria Cruz**.....Concur

Filed: **07-Sep-2023**

Mandate:

Decision Disposition

***Affirmed*****43 PROCEEDING ENTRIES**

1. 29-Sep-2022 FILED: Petition for Special Action; Certificate of Service (Petitioner)
2. 30-Sep-2022 FILED: Writ of Review  
FILED: Certificate of Mailing re: Writ of Review
3. 30-Sep-2022 FILED: Notice of Appearance; Certificate of Service (Respondent Employer/Carrier)
4. 4-Oct-2022 RECEIPT No.: 2022-01040 ; \$280.00, Authorization: #77008500282, Applied to: PETERSON - Class A Filing Fee (\$280.00) Paid for: Joel F Friedman PLLC - By nCourt LLC
5. 6-Oct-2022 RECEIPT No.: 2022-01044 ; \$140.00, Authorization: 79003948904, Applied to: NAVAJO/TRAVELERS - Class B Filing Fee (\$140.00) Paid for: Lundmark Barberich La Mont & Slavin PC - By nCourt LLC
6. 11-Oct-2022 FILED: e-Record on Appeal:  
ALJ Hearing File (1 volume)  
Claims File (1 volume)
7. 11-Oct-2022 FILED: Notice of Appearance; Certificate of Service: Notice of Appearance (Respondent ICA)
8. 23-Nov-2022 ORDERED: Dismissing this appeal and quashing the writ of review. Barbara Vidal Vaught - Author
9. 16-Dec-2022 FILED: Petitioner's Motion to Vacate Order Dismissing Special Action, Reinstate Case, and Accept Opening Brief; Certificate of Service (Petitioner)
10. 16-Dec-2022 FILED: Petitioner's Opening Brief; Petitioner's Opening Brief Certificate of Compliance; Petitioner's Opening Brief Certificate of Service (Petitioner)
11. 20-Dec-2022 FILED: Defendants' Motion to Strike Petitioner's Motion for Procedural Order; Certificate of Service (Respondent Employer)
12. 27-Dec-2022 FILED: Motion to Strike Opening Brief; Certificate of Service (Respondent Navajo/Travelers)
13. 3-Jan-2023 FILED: Respondents' Opposition to Petitioner's Motion to Vacate Order Dismissing Special Action, Reinstate Case, and Accept Opening Brief; Certificate of Service of Respondents' Opposition to Petitioner's Motion to Vacate Order Dismissing Special Action, Reinstate Case, and Accept Opening Brief (Respondent Navajo/Travelers)
14. 9-Jan-2023 ORDERED: Vacating the 01/25/2023 due date for the answering brief. The order ruling on the pending motions will address the briefing schedule, if necessary. Barbara Vidal Vaught - Author
15. 10-Jan-2023 FILED: Petitioner's Reply to Respondents' Opposition to Petitioner's Motion to Vacate Order Dismissing Special Action, Reinstate Case, and Accept Opening Brief; (Certificate of Service) Petitioner's Reply to Respondents' Opposition to Petitioner's Motion to Vacate Order Dismissing Special Action, Reinstate Case, and Accept Opening Brief (Petitioner)
16. 12-Jan-2023 ORDERED: Extending the time for petitioner to file a response to the motions to strike until 01/30/2023. Any reply by respondents will be due in accordance with Arizona Rule of Civil Appellate Procedure 6(a)(2). Barbara Vidal Vaught - Author
17. 30-Jan-2023 FILED: Petitioner's Response to Respondents' Motions to Strike Petitioner's Motion for Procedural Order and Opening Brief; Petitioner's Response to Respondents' Motions to Strike Petitioner's Motion for Procedural Order and Opening Brief Certificate of Compliance; Petitioner's Response to Respondents' Motions to Strike Petitioner's Motion for Procedural Order and Opening Brief Certificate of Service (Petitioner)
18. 13-Feb-2023 ORDERED: Denying respondents motions to strike petitioner's motion to vacate and the opening brief. FURTHER ORDERED: granting petitioner's motion and vacating the court's 11/23/22 order dismissing this special action and quashing the writ of review. FURTHER ORDERED: accepting the opening brief filed 12/16/22. FURTHER ORDERED: the answering brief is due 3/27/23. Hon Kent E Cattani - Author
19. 27-Mar-2023 FILED: Answering Brief of Respondents Navajo Express Inc. and Travelers Indemnity Co.; Certificate of Compliance to Answering Brief; Certificate of Service (Respondent Employer/Carrier)
20. 17-Apr-2023 FILED: Petitioner's Reply Brief; Certificate of Compliance; Certificate of Service (Petitioner)

**Court of Appeals, Division One**  
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**43 PROCEEDING ENTRIES**

21.	20-Apr-2023	FILED: Motion for Oral Argument; Motion for Oral Argument Certificate of Service (Petitioner)
22.	24-Apr-2023	FILED: Respondents' Objection to Request for Oral Argument; Certificate of Service to Defendants' Objection to Petitioner's Request for Oral Argument (Respondent)
23.	5-May-2023	ORDERED: Motion for Oral Argument (Petitioner) = GRANTED. Hon Kent E Cattani - Author
24.	10-May-2023	FILED: Letter, 5/10/23, from Joel F. Friedman, Esq., re: Oral Argument Date (Petitioner)
25.	30-May-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 8-16-23, 10:15 am, COURTROOM 1.
26.	31-May-2023	FILED: Notice of Oral Argument
27.	18-Jul-2023	FILED: Return Receipt Re Oral Argument, signed by Joel Friedman, on 5/31/23 (Petitioner)
28.	20-Jul-2023	FILED: Return Receipt Re Oral Argument, signed by David Lundmark, on 7/18/23 (Respondent Employer/Carrier)
29.	10-Aug-2023	ORDERED: Vacating oral argument scheduled for 8/16/23 at 10:15 and rescheduling for 8/16/23 at 11:30 am, Courtroom 2. Hon David D Weinzwieg - Author
30.	13-Aug-2023	FILED: Return Receipt Re Oral Argument, signed by Joel Friedman, on 8/10/23 (Petitioner)
31.	17-Aug-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 8/16/23
32.	7-Sep-2023	MEMORANDUM DECISION (Affirmed) Hon Michael S Catlett - Author; Hon David D Weinzwieg - Concur; Hon Maria Elena Cruz - Concur
33.	7-Sep-2023	FILED: Decision Distribution List
34.	19-Sep-2023	FILED: Motion for Enlargement of Time to File Motion for Reconsideration; Motion for Enlargement of Time to File Motion for Reconsideration Certificate of Service (Petitioner)
35.	21-Sep-2023	ORDERED: Motion for Enlargement of Time to File Motion for Reconsideration (Petitioner) = GRANTED. Due date EXTENDED from Friday, 09-22-2023 to Thursday, 10-05-2023. Hon Michael S Catlett - Author
36.	5-Oct-2023	FILED: Motion for Reconsideration for 09/07/2023 Memorandum Decision; Motion for Reconsideration Certificate of Compliance; Motion for Reconsideration Certificate of Service (Petitioner)
37.	13-Oct-2023	ORDERED: Motion for Reconsideration for 09/07/2023 Memorandum Decision (Petitioner) = DENIED. Hon Michael S Catlett - Author
38.	13-Oct-2023	FILED: Notice of Substitution of Counsel; Certificate of Service: Notice of Substitution of Counsel (Respondent ICA)
39.	31-Oct-2023	FILED: ASC Order filed 10/31/2023 re: extending time for filing Petition for Review to 11/07/2023.
40.	7-Nov-2023	FILED: ASC Order filed 11/07/2023 re: extending time for filing Petition for Review to 11/13/2023
41.	14-Nov-2023	FILED: Email Notice from ASC re: Petition for Review filed 11/13/2023; request for partial record
42.	14-Nov-2023	FILED: Letter forwarding partial record to Arizona Supreme Court
43.	21-Mar-2024	FILED: Letter from ASC, 03/21/2024, re: Petition for Review DENIED on 03/21/2024