

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

**1 CA-IC 22-0047**

**GOMEZ v. QUIKTRIP/QUIKTRIP CO**

**Appellate Case Information**

Case Filed: 3-Nov-2022  
Case Closed: 27-Mar-2024

Decision

**Dept/Composition**

**Department B**

Hon. Michael J Brown  
Hon. Andrew M Jacobs  
Hon. David B Gass

**Side 1. MATTHEW GOMEZ, Petitioner**

(Litigant Group) MATTHEW GOMEZ

- Matthew Gomez, Petitioner Employee

**Attorneys for: Petitioner Employee**

Thomas C Wilmer, Esq. (AZ Bar No. 13451)

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

Respondent,

QUIKTRIP DBA, QUIK TRIP,

Respondent Employer,

QUIKTRIP CORPORATION,

Respondent Carrier.

, Respondent

(Litigant Group) ICA

- Industrial Commission of Arizona

**Attorneys for: Respondent ICA**

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

(Litigant Group) QUIKTRIP DBA, QUIK TRIP/QUIKTRIP CORPORATION

- Quiktrip Corporation, Respondent Employer
- Quiktrip Corporation, Respondent Carrier

**Attorneys for: Respondent Carrier/Employer**

R Todd Lundmark, Esq. (AZ Bar No. 6919)

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

**CASE STATUS**

Mar 27, 2024....Case Closed

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
ICA 20211740003			Michelle Bodi, Administrative Law Judge		
INSCA 20-41007			Comments: (none)		

**DESCENDENT CASE (S)**

ASC CV-23-0281-PR

**CASE DECISION**

19-Oct-2023 MEMORANDUM DECISION

David Gass.....Author  
Michael Brown.....Concur  
Andrew Jacobs.....Concur

Filed: 19-Oct-2023

Mandate: 27-Mar-2024

Decision Disposition

**Affirmed**

**43 PROCEEDING ENTRIES**

- 3-Nov-2022 FILED: Petition for Special Action - Industrial Commission; Certificate of Service (Petitioner)
- 4-Nov-2022 FILED: Notice of Appearance; Certificate of Service to Notice of Appearance (Respondent Employer/Carrier)

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

**1 CA-IC 22-0047**

**GOMEZ v. QUIKTRIP/QUIKTRIP CO**

**43 PROCEEDING ENTRIES**

3.	4-Nov-2022	FILED: Writ of Review FILED: Certificate of Mailing re: Writ of Review
4.	9-Nov-2022	RECEIPT No.: 2022-01154 ; \$280.00, Authorization: #13008447647, Applied to: MATTHEW GOMEZ - Class A Filing Fee (\$280.00) Paid for: Thomas C Wilmer PC - By nCourt LLC
5.	9-Nov-2022	RECEIPT No.: 2022-01157 ; \$140.00, Authorization: #13008447647, Applied to: QUIKTRIP DBA, QUIK TRIP/QUIKTRIP CORPORATION - Class B Filing Fee (\$140.00) Paid for: Lundmark Barberich La Mont & Slavin PC - By nCourt LLC
6.	10-Nov-2022	FILED: e-Record on Appeal: ALJ Hearing File (1 volume) Claims File (1 volume)
7.	10-Nov-2022	FILED: Notice of Appearance; Certificate of Service: Notice of Appearance (Respondent ICA)
8.	29-Dec-2022	FILED: Petitioner's Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Petitioner)
9.	30-Dec-2022	ORDERED: Petitioner's Motion for Procedural Order (Extension of Time to File Opening Brief) (Petitioner) = GRANTED. Due date EXTENDED from Wednesday, 12-21-2022 to Wednesday, 02-15-2023. If the brief is not timely filed, the court will dismiss this special action. Barbara Vidal Vaught - Author
10.	15-Feb-2023	FILED: Petitioner's Opening Brief; Certificate of Compliance; Certificate of Service; Petitioner's Opening Brief Appendices / Exhibits (Petitioner)
11.	14-Mar-2023	FILED: Stipulation for Extension of Time to File Answering Brief; Certificate of Service to Stipulation for Extension of Time to File Answering Brief (Respondent Carrier/Employer)
12.	14-Mar-2023	FILED: Affidavit of R. Todd Lundmark (Respondent)
13.	15-Mar-2023	ORDERED: Stipulation for Extension of Time to File Answering Brief (Respondent Carrier/Employer) = GRANTED. Due date EXTENDED from Monday, 03-27-2023 to Wednesday, 04-26-2023. Barbara Vidal Vaught - Author
14.	19-Apr-2023	FILED: Answering Brief of Respondent Employer & Carrier; Certificate of Compliance of Answering Brief of Respondent Employer & Carrier; Certificate of Service for Answering Brief of Respondent Employer & Carrier (Respondent Employer/Carrier)
15.	19-Apr-2023	FILED: Appendix to Answering Brief of Respondent Employer & Carrier (Respondent Employer/Carrier)
16.	10-May-2023	FILED: Petitioner's Motion for Procedural Order (Extension of Time to File Reply Brief); Certificate of Service (Petitioner)
17.	10-May-2023	FILED: Request for Oral Argument; Certificate of Service (Petitioner)
18.	10-May-2023	ORDERED: Petitioner's Motion for Procedural Order (Extension of Time to File Reply Brief) (Petitioner) = GRANTED. Due date EXTENDED from Tuesday, 05-09-2023 to Wednesday, 05-17-2023. Barbara Vidal Vaught ProTem Judge - Author
19.	17-May-2023	FILED: Petitioner's Reply Brief; Certificate of Compliance; Certificate of Service (Petitioner)
20.	5-Jun-2023	ORDERED: Request for Oral Argument (Petitioner) = GRANTED. Hon Kent E Cattani - Author
21.	28-Jun-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 8-29-23, 09:30 am, COURTROOM 2.
22.	30-Jun-2023	FILED: Notice of Oral Argument
23.	4-Jul-2023	FILED: Return Receipt Re Oral Argument, signed by David Lundmark, on 6/30/23 (Respondent Employer/Carrier)
24.	6-Jul-2023	FILED: Petitioner's Motion for Procedural Order (Continuance of Oral Argument); Certificate of Service (Petitioner)
25.	6-Jul-2023	FILED: Return Receipt Re Oral Argument, signed by Thomas Wilmer, on 6/30/23 (Petitioner)
26.	11-Jul-2023	FILED: Respondent Quiktrip Corporation's Notice of Non-Opposition to Petitioner's Motion for Procedural Order (Continuance of Oral Argument); Notice of Service of Respondent Quiktrip Corporation's Notice of Non-Opposition to Petitioner's Motion for Procedural Order (Continuance of Oral Argument) (Respondent Employer)
27.	12-Jul-2023	ORDERED: Petitioner's Motion for Procedural Order (Continuance of Oral Argument) (Petitioner) = GRANTED. FURTHER ORDERED: Vacating the oral argument set for 8/29/23. FURTHER ORDERED: Setting oral argument on 9/26/23 at 9:30 am in Courtroom 1. Hon Michael J Brown - Author
28.	14-Jul-2023	FILED: Return Receipt Re Oral Argument, signed by Thomas Wilmer, on 7/13/23 (Petitioner)
29.	24-Jul-2023	FILED: Return Receipt Re Oral Argument, signed by David Lundmark, on 7/20/23 (Respondent Employer/Carrier)
30.	28-Jul-2023	FILED: Notice of Oral Argument

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

**1 CA-IC 22-0047**

**GOMEZ v. QUIKTRIP/QUIKTRIP CO**

**43 PROCEEDING ENTRIES**

31.	3-Aug-2023	FILED: Return Receipt Re Oral Argument, signed by David Lundmark, on 8/1/23 (Respondent Carrier/Employer)
32.	8-Aug-2023	FILED: Return Receipt Re Oral Argument, signed by Thomas C. Wilmer, on 7/28/23 (Petitioner)
33.	26-Sep-2023	FILED: Letter, 9/26/23, from Petitioner to Respondent ICA re: Video File (Petitioner)
34.	26-Sep-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 09/26/2023.
35.	28-Sep-2023	FILED: Additional Record on Appeal Physical Exhibits: Flash Drive in manila envelope
36.	29-Sep-2023	FILED: Notice of Substitution of Counsel; Certificate of Service: Notice of Substitution of Counsel (Respondent ICA)
37.	19-Oct-2023	MEMORANDUM DECISION (Affirmed) Hon David B Gass - Author; Hon Michael J Brown - Concur; Hon Andrew M Jacobs - Concur
38.	19-Oct-2023	FILED: Decision Distribution List
39.	21-Nov-2023	FILED: Email Notice from ASC re: Petition for Review filed 11/20/2023; request for partial record
40.	21-Nov-2023	FILED: Letter forwarding partial record to Arizona Supreme Court
41.	14-Dec-2023	FILED: ASC Order filed 12/14/2023 re: motion is denied without prejudice to Respondent Employer's/Respondent Carrier's ability to file a motion in compliance with ARCAP 6(b) by 12/21/2023.
42.	5-Mar-2024	FILED: Letter from ASC, 03/05/2024, re: Petition for Review DENIED on 03/05/2024.
43.	27-Mar-2024	FILED: Mandate, Physical record to clerk, The Industrial Commission of Arizona.