

Court of Appeals, Division One

Unemployment Board

1 CA-UB 22-0017

AGUILAR v. ADES/ALPHA

Appellate Case Information

Case Filed: 28-Jan-2022

Case Closed: 26-Jun-2024

Application Denied

Dept/Composition

Department D

Hon. Paul J McMurdie

Hon. Michael J Brown

Hon. Michael S Catlett

Side 1. TIA AGUILAR, Appellant

(Litigant Group) TIA AGUILAR

- Tia Aguilar

Attorneys for: Appellant

Chris R Baniszewski, Esq. (AZ Bar No. 15617)

Yvonne S Tindell, Esq. (AZ Bar No. 35330)

Side 2. ARIZONA DEPARTMENT OF ECONOMIC SECURITY, an Agency,

and,

ALPHA OMEGA RESTAURANT EQUIPMENT REPAIR LLC, Appellee

(Litigant Group) ARIZONA DEPARTMENT OF ECONOMIC SECURITY

- Arizona Department of Economic Security

Attorneys for: Appellee

Jennifer R Blum, Esq. (AZ Bar No. 29716)

(Litigant Group) ALPHA OMEGA RESTAURANT EQUIPMENT REPAIR LLC

- Alpha Omega Restaurant Equipment Repair LLC

PRO SE

CASE STATUS

Jun 26, 2024....**Case Closed**

PREDECESSOR CASE(S)

UAB U-1717124-001-B

Cause/Charge/Class

Judgment/Sentence

Judge, Role <Comments>

Trial

Dispo

CASE DECISION

20-May-2024 ORDER

* ORDERED: because Alpha has failed to participate in this appeal, we treat that failure as a concession that Alpha has no objection to the Motion (to suspend the appeal and revest jurisdiction). FURTHER ORDERED: remanding this matter to ADES and directi

Filed: **20-May-2024**

Mandate:

Decision Disposition

Dismissed

Paul McMurdie.....Author

40 PROCEEDING ENTRIES

1. 28-Jan-2022 FILED: Record on Appeal/Application for Appeal to the Court of Appeals
2. 11-Feb-2022 FILED: Assigning UB Appeal to Dept C, Judges Cruz, Thumma, Brown for review of application [Amy M. Wood, Clerk]
3. 25-Mar-2022 ORDERED: Directing the clerk of the ADES Appeals Board to transmit a copy of the entire record in U-1717124-001-B within 20 days from the date of this order. Hon Maria Elena Cruz - Author
4. 1-Apr-2022 FILED: Additional Record - Compact Disc containing the following items: 3 ASA - Audio/Video MP4 Files and Notice of Affidavit to Parties (contained in manila envelope)
5. 21-Jun-2022 ORDERED: granting the application for appeal. FURTHER ORDERED: staying this appeal pending a determination regarding whether this case should be assigned to the Court's Pro Bono Program. FURTHER ORDERED: vacating the assingment of this appeal to Department C. Hon Michael J Brown - Author

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6. 24-Jun-2022 ORDERED: placing this appeal in the Court's pro bono program. FURTHER ORDERED: any objection to the appointment of pro bono counsel for appellant must be filed in writing by 7/5/22. FURTHER ORDERED: pro bono counsel must file a notice of appearance by 8/4/22. FURTHER ORDERED: staying this appeal pending further order of the court. Hon Kent E Cattani - Author
7. 30-Jun-2022 FILED: ADES'S NOTICE OF CHANGE OF COUNSEL; ADES'S CERTIFICATE OF SERVICE FOR NOTICE OF CHANGE OF COUNSEL (Appellee)
8. 26-Jul-2022 FILED: Appellant's Untitled Notice of Change of Address
9. 3-Aug-2022 FILED: NOTICE OF APPEARANCE; CERTIFICATE OF SERVICE (Appellant)
10. 8-Aug-2022 ORDERED: lifting the stay of this appeal. FURTHER ORDERED: appointing Yvonne S. Tindell, Esq. and Chris R. Baniszewski, Esq. of Warner Angle Hallam Jackson & Formanek, PLC, as pro bono counsel to represent appellant for purposes of this appeal only. FURTHER ORDERED: opening brief is due on 9/19/22. Melina Brill ProTem Judge - Author
11. 19-Sep-2022 FILED: OPENING BRIEF OF APPELLANT TIA AGUILAR; Certificate of Compliance; Certificate of Service (Appellant)
12. 24-Oct-2022 FILED: DES's Motion to Extend Time to File Answering Brief (Motion for Procedural Order); ADES's Certificate of Service For Motion to Extend Time (Appellee)
13. 25-Oct-2022 FILED: Appellee Department of Economic Security's Amended Motion to Extend Time to File Answering Brief (Motion for Procedural Order); ADES's Certificate of Service (Appellee)
14. 26-Oct-2022 ORDERED: Appellee Department of Economic Security's Amended Motion to Extend Time to File Answering Brief (Motion for Procedural Order) (Appellee) = GRANTED. Due date EXTENDED from Monday, 10-31-2022 to Monday, 12-12-2022. If brief is not timely filed, court will submit appeal for decision on the record and opening brief. Barbara Vidal Vaught - Author
15. 27-Oct-2022 FILED: Appellant's Motion for Procedural Order to Extend Time to File Reply Brief; Certificate of Service (Appellant)
16. 28-Oct-2022 ORDERED: Appellant's Motion for Procedural Order to Extend Time to File Reply Brief (Appellant) = DENIED without prejudice to consideration of new extension motion after due date for that brief is set. Barbara Vidal Vaught ProTem Judge - Author
17. 12-Dec-2022 FILED: Appellee Department of Economic Security's Answering Brief; Appellee Department of Economic Security's Certificate of Compliance; ADES's Certificate of Service (Appellee)
18. 13-Dec-2022 FILED: Appellant's Motion for Procedural Order to Extend Time to File Reply Brief; Certificate of Service (Appellant)
19. 15-Dec-2022 ORDERED: Appellant's Motion for Procedural Order to Extend Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 01-09-2023 to Tuesday, 01-31-2023. Barbara Vidal Vaught - Author
20. 31-Jan-2023 FILED: Reply Brief of Appellant Tia Aguilar; Certificate of Compliance; Certificate of Service (Appellant)
21. 2-Feb-2023 FILED: Request for Oral Argument; Certificate of Service (Appellant)
22. 3-Mar-2023 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Kent E Cattani - Author
23. 31-Mar-2023 FILED: Notice of Oral Argument
24. 3-Apr-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 5-10-23, 09:30 am, COURTROOM 2.
25. 4-Apr-2023 FILED: Return Receipt Re Oral Argument, signed by Yvonne Tindell, on 4/4/23 (Appellant)
26. 11-Apr-2023 FILED: Return Receipt Re Oral Argument, signed by Jennifer Blum, on 3/31/23 (Appellee ADES)
27. 14-Apr-2023 FILED: Supplement to Existing Application and Record to the Court of Appeals
28. 14-Apr-2023 FILED: Supplement to Existing Application and Record to the Court of Appeals
29. 14-Apr-2023 FILED: Physical Disc, Labeled 4-14-23, containing three media files
30. 10-May-2023 FILED: Sign-in Sheet/Case is Under Advisement as of 5/10/23
31. 6-Feb-2024 (The court has determined that supplemental briefs will aid in resolving this appeal) ORDERED: That such briefing address the following (See Order). FURTHER ORDERED: Supplemental opening brief must be filed no later than 3/7/24 and shall not exceed 5000 words. Supplemental answering briefs must be filed no later than 4/8/24 and shall not exceed 5000 words. Supplemental reply brief, if any, must be filed no later than 4/23/24 and is limited to 2500 words. FURTHER ORDERED: Absent extraordinary circumstances, motions for extensions of time will not be entertained. Hon Paul J McMurdie - Author

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32. 7-Feb-2024 FILED: Appellant's Motion for Procedural Order to Extend Supplemental Briefing Deadlines; Certificate of Service (Appellant)
33. 8-Feb-2024 ORDERED: Appellant's Motion for Procedural Order to Extend Supplemental Briefing Deadlines (Appellant) = GRANTED. Appellant's supplemental opening brief due no later [sic] 3/21/24 and shall not exceed 5000 words. Supplemental answering briefs due no later than 4/22/24 and shall not exceed 5000 words. Supplemental reply brief, if any, must be filed no later than 5/7/24 and is limited to 2500 words. FURTHER ORDERED: Absent extraordinary circumstances, motions for extension of time will not be entertained. Hon Paul J McMurdie - Author
34. 21-Mar-2024 FILED: Supplemental Opening Brief of Appellant Tia Aguilar; Certificate of Compliance; Certificate of Service (Appellant)
35. 22-Apr-2024 FILED: Appellee Department of Economic Security's Supplemental Answering Brief; ADES's Certificate of Compliance; ADES's Certificate of Service (Appellee ADES)
36. 7-May-2024 FILED: Supplemental Reply Brief of Appellant Tia Aguilar; Certificate of Compliance; Certificate of Service (Appellant)
37. 16-May-2024 FILED: Motion and Joint Stipulation to Suspend Appeal and Revest Jurisdiction in DES; DES's Certificate of Service (Appellee)
38. 20-May-2024 ORDERED: because Alpha has failed to participate in this appeal, we treat that failure as a concession that Alpha has no objection to the Motion (to suspend the appeal and revest jurisdiction). FURTHER ORDERED: remanding this matter to ADES and directing it to enter an order finding that Aguilar is eligible for benefits and to determine the appropriate amount of benefits ADES will award to Aguilar. FURTHER ORDERED: although the Motion requests that we suspend the appeal, dismissal of the appeal is appropriate. FURTHER ORDERED: dismissal of this appeal is without prejudice to Aguilar seeking leave to appeal the amount of benefits awarded by ADES. Hon Paul J McMurdie - Author
39. 26-Jun-2024 FILED: Letter, 6/26/24, Certified Copy of Order dismissing appeal. No physical record to be returned to clerk [sic], ADES Appeals Board.
40. 26-Jun-2024 FILED: Amended Letter, 6/26/24, Certified Copy of Order dismissing appeal. Physical record returned to clerk, ADES Appeals Board.