

Court of Appeals, Division One

Unemployment Board

1 CA-UB 22-0510

MONTALBANO v. ADES/ADRENALINE

Appellate Case Information

Case Filed: 30-Dec-2022

Case Closed:

Dept/Composition

Department F

Hon. Jennifer B Campbell
Hon. Kent E Cattani
Hon. Anni Hill Foster

Side 1. BRIAN MONTALBANO, Appellant

(Litigant Group) BRIAN MONTALBANO

- Brian Jay Montalbano

Attorney for: Appellant

David J Keys-Nunes, Esq. (AZ Bar No. 33006)

Side 2. ARIZONA DEPARTMENT OF ECONOMIC SECURITY, an Agency, and ADRENALINE TRAILER REPAIR & SERVICES, 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) ADRENALINE TRAILER REPAIR & SERVICES

- Adrenaline Trailer Repair & Services

PRO SE

CASE STATUS

Mar 5, 2024.....Decision Rendered

PREDECESSOR CASE(S)

UAB U-1814752-001-B

Cause/Charge/Class

Judgment/Sentence

Judge, Role <Comments>

Trial

Dispo

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Thursday, April 4, 2024

Re: MEMORANDUM DECISION (Reversed) Hon Kent E Cattani - Author; Hon Jennifer B Campbell - Concur;
Hon Anni Hill Foster - Concur

CASE DECISION

05-Mar-2024 MEMORANDUM DECISION

Kent Cattani.....Author

Jennifer Campbell.....Concur

Anni Foster.....Concur

Filed: 05-Mar-2024

Mandate:

Decision Disposition

Reversed

23 PROCEEDING ENTRIES

- 30-Dec-2022 FILED: Record on Appeal/Application for Appeal to the Court of Appeals
- 27-Jan-2023 FILED: Appellate Clerk Notice Re: Benefits Application for Appeal - assigned to Dept. B, Judges Furuya, Campbell, McMurdie
- 21-Feb-2023 ORDERED: Granting application for appeal. Further, court has determined appeal may be appropriate for inclusion in court's Pro Bono Program. (see Order). FURTHER ORDERED: Staying appeal pending determination regarding whether case should be assigned to court's Pro Bono Program. FURTHER ORDERED: Vacating assignment of appeal to Department B. Hon Paul J McMurdie - Author
- 2-Mar-2023 ORDERED: Placing appeal in Court's pro bono program. [see order] FURTHER ORDERED: Any objection to appointment of pro bono counsel for appellant must be filed in writing by 03/13/2023. FURTHER ORDERED: Pro bono counsel must file notice of appearance by 04/12/2023. FURTHER ORDERED: Staying appeal pending further order of Court. FURTHER ORDERED: Directing Clerk of Court to send appellant Pro Bono Program Guide for Self-Represented Parties. Hon Kent E Cattani - Author
- 12-Apr-2023 FILED: Notice of Appearance; Certification of Service (Appellant)
- 14-Apr-2023 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: Appointing David Keys-Nunes as pro bono counsel to represent appellant for purposes of this appeal only. FURTHER ORDERED: Directing the clerk of the court to amend the record to reflect the above pro bono counsel of record for appellant. FURTHER ORDERED: Setting the following schedule for briefing: opening brief due 5/23/23; answering brief due 40 days after service of opening brief; optional reply brief due 20 days after service of answering brief. FURTHER ORDERED: Any request for oral argument must be filed in accordance with ARCAP 18. Melina Brill ProTem Judge - Author

Court of Appeals, Division One**Unemployment Board****1 CA-UB 22-0510****MONTALBANO v. ADES/ADRENALINE****23 PROCEEDING ENTRIES**

7.	23-May-2023	FILED: Opening Brief; Certificate of Compliance; Certificate Of Service Of Appellant's Opening Brief (Appellant)
8.	3-Jul-2023	FILED: Arizona Department of Economic Security's Answering Brief; Appellee Department of Economic Security's Certificate of Service; Appellee Department of Economic Security's Certificate of Compliance (Appellee ADES)
9.	24-Jul-2023	FILED: Reply Brief; Certificate of Compliance; Certificate Of Service Of Appellant's Reply Brief (Appellant)
10.	25-Jul-2023	FILED: Appellant's Motion for Oral Argument; Certificate of Service (Appellant)
11.	18-Aug-2023	ORDERED: Appellant's Motion for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author
12.	26-Aug-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department F, 10-12-23, 10:15 am, COURTROOM 2.
13.	28-Aug-2023	FILED: Notice of Oral Argument
14.	29-Aug-2023	FILED: Department of Economic Security's Motion to Reschedule Oral Argument; Appellee Department of Economic Security's Certificate of Service (Appellee ADES)
15.	31-Aug-2023	ORDERED: Department of Economic Security's Motion to Reschedule Oral Argument (Appellee ADES) = GRANTED and vacating oral argument and conference scheduled for 10/23/23 at 10:15. Oral Argument and conference will be rescheduled at a later date. Hon Jennifer B Campbell - Author
16.	21-Sep-2023	ORDERED: Resetting oral argument in this matter for 11/30/23 at 9:30 am in Courtroom 1. Hon Jennifer B Campbell - Author
17.	21-Sep-2023	FILED: Return Receipt Re Oral Argument, signed by Jennifer Blum, on 9/21/23 (Appellee ADES)
18.	26-Sep-2023	FILED: Return Receipt Re Oral Argument, signed by David Keys-Nunes, on 9/21/23 (Appellant)
19.	27-Sep-2023	FILED: Notice of Oral Argument
20.	29-Nov-2023	ORDERED: Resetting oral argument on 11/30/23 from 9:30 am to 10:15 am in Courtroom 1. Hon Jennifer B Campbell - Author
21.	30-Nov-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 11/30/2023
22.	5-Mar-2024	MEMORANDUM DECISION (Reversed) Hon Kent E Cattani - Author; Hon Jennifer B Campbell - Concur; Hon Anni Hill Foster - Concur
23.	5-Mar-2024	FILED: Decision Distribution Notification