

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0444****ROBBINS v. EMERALD, et al.****Appellate Case Information**

Case Filed: 20-Jul-2023

Case Closed:

**Dept/Composition****Department A**Hon. Angela K Paton  
Hon. Michael S Catlett  
Hon. James B Morse**Side 1. VIVIAN ROBBINS, an individual, Plaintiff/Appellant****(Litigant Group) VIVIAN ROBBINS**

- Vivian Robbins

**Attorneys for: Plaintiff/Appellant**

Dustin Birch, Esq. (AZ Bar No. 35958)

Alexander R Arpad, Esq. (AZ Bar No. 21660)

**Side 2. EMERALD SPRINGS ASSISTED LIVING, LLC, a foreign Limited Liability Company, doing business in Yuma County, Arizona; THE GOODMAN GROUP MN, LLC, a foreign Limited Liability Company, doing business in Yuma County, Arizona, Defendant/Appellee****(Litigant Group) EMERALD SPRINGS ASSISTED LIVING, LLC, et al.**

- Emerald Springs Assisted Living LLC

- The Goodman Group MN LLC

**Attorneys for: Defendants/Appellees**

David S Cohen, Esq. (AZ Bar No. 16888)

Anne E Holmgren, Esq. (AZ Bar No. 33042)

Arcangelo S Cella, Esq. (AZ Bar No. 37176)

**CASE STATUS**

Apr 26, 2024....Assigned

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YUM S1400CV202200206	Negligence		Lawrence C Kenworthy, Authoring Judge of Order		

**CALENDAR**Tuesday MONTHLY COURT CASE CALENDAR  
11-Jun-2024 Department A; COURTROOM 1

Mixed

**CASE DECISION**

17-Nov-2023 ORDER

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

ORDERED: Dismissing this appeal.

Filed: 17-Nov-2023

Mandate:



Melina Brill.....Author

Decision Disposition

**Dismissed****29 PROCEEDING ENTRIES**

- 3-Jul-2023 FILED: Notice of Filing of Appeal (Courtesy Copy)
- 20-Jul-2023 FILED: Index of Record, Notice of Appeal from Yuma County Superior Court filed 06/22/23
- 20-Jul-2023 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits: Hearing Date 8/29/22 1, 2, 2A
- 20-Jul-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 24-Jul-2023 FILED: Appellant's Notice of Payment of Filing Fee; Certificate of Service (Appellant)
- 26-Jul-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee)
- 27-Jul-2023 RECEIPT No.: 2023-00690 ; \$280.00, Authorization: 08009303251, Applied to: VIVIAN ROBBINS - Class A Filing Fee (\$280.00)  
Paid for: Clear Counsel Law Group - By nCourt LLC
- 31-Jul-2023 RECEIPT No.: 2023-00701 ; \$140.00, Authorization: 12007414709, Applied to: EMERALD SPRINGS ASSISTED LIVING, LLC,  
et al. - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By nCourt LLC

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0444****ROBBINS v. EMERALD, et al.****29 PROCEEDING ENTRIES**

9.	31-Jul-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
10.	9-Aug-2023	FILED: Case Management Statement (Appellant)
11.	15-Sep-2023	FILED: Motion for Determination of Jurisdiction; Certificate of Service (Appellant)
12.	15-Sep-2023	ORDERED: Vacating the 09/18/2023 due date for the opening brief. The order ruling on the pending motion will set a due date to file the opening brief, if the court determines it has jurisdiction over this appeal. Melina Brill ProTem Judge - Author
13.	25-Sep-2023	FILED: Defendants/Appellees' Response to Motion for Determination of Jurisdiction; Certificate of Service (Appellees)
14.	5-Oct-2023	ORDERED: Motion for Determination of Jurisdiction (Appellant) = GRANTED. FURTHER ORDERED: The opening brief is due by 11/06/2023. If the opening brief is not timely filed, the court will dismiss this appeal. Hon David B Gass - Author
15.	17-Nov-2023	ORDERED: Dismissing this appeal. Melina Brill ProTem Judge - Author
16.	1-Dec-2023	FILED: Plaintiff/Appellant's Motion for Reconsideration; Motion for Reconsideration Notice of Compliance; Certificate of Service (Appellant)
17.	4-Dec-2023	ORDERED: Requesting that appellees file a response to the motion (motion for reconsideration) by 12/18/2023. FURTHER ORDERED: Appellant may file a reply in accordance with ARCAP 6(a)(2). The court will rule on the motion following expiration of the time for a response and reply. Melina Brill ProTem Judge - Author
18.	13-Dec-2023	FILED: Defendants/Appellees' Response to Motion for Reconsideration; Order Re: Response; Certificate of Service (Appellees)
19.	18-Dec-2023	FILED: Plaintiff/Appellant's Reply to Response Filed by Appellees/Defendants Emerald Springs Assisted Living, LLC; Emerald Springs of Yuma, LLC; and the Goodman Group MN, LLC; Certificate of Service; Plaintiff/Appellant's Reply to Response Filed by Appellees/Defendants Emerald Springs Assisted Living, LLC; Emerald Springs of Yuma, LLC; and the Goodman Group MN, LLC (Certificate of Compliance) (Appellant)
20.	20-Dec-2023	ORDERED: Plaintiff/Appellant's Motion for Reconsideration (Appellant) = GRANTED as to the dismissal order, and reinstating this appeal. FURTHER ORDERED: Denying appellant's request for the court to reconsider its 10/05/2023 ruling on appellant's motion for determination of jurisdiction. FURTHER ORDERED: The opening brief is due by 01/19/2024. If the opening brief is not timely filed, the court will dismiss this appeal. FURTHER ORDERED: Denying appellees' request for sanctions without prejudice to appellees requesting sanctions in the answering brief. Hon David B Gass - Author
21.	29-Dec-2023	FILED: Notice of Appearance; Certificate of Service to Notice of Appearance (Appellant)
22.	19-Jan-2024	FILED: Opening Brief; Certificate of Compliance to Opening Brief; Certificate of Service to Opening Brief; Copy of Memorandum Decision filed 05/31/2022 re: case 1 CA-CV 21-0496 (Appellant)
23.	28-Feb-2024	FILED: Answering Brief of Nominal Defendant/Appellee Emerald Springs Assisted Living, LLC; Certificate of Compliance; Certificate of Service (Appellee)
24.	19-Mar-2024	FILED: Request for Oral Argument; Certificate of Service to Request for Oral Argument (Appellant)
25.	19-Mar-2024	FILED: Reply Brief; Certificate of Compliance to Reply Brief; Certificate of Service to Reply Brief (Appellant)
26.	5-Apr-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
27.	10-Apr-2024	ORDERED: Request for Oral Argument (Appellant) = DENIED. Hon David B Gass - Author
28.	10-Apr-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
29.	26-Apr-2024	CLNDR: CONFERENCE, Department A, 6-11-24, COURTROOM 1.