

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0543

GIERSZ v. WALMART

Appellate Case Information

Case Filed: 30-Aug-2023
Case Closed: 8-Jul-2024

Decision

Dept/Composition

Department C

Hon. Paul J McMurdie
Hon. Maria Elena Cruz
Hon. Cynthia J Bailey

Side 1. KENNETH GIERSZ, Plaintiff/Appellant

(Litigant Group) KENNETH GIERSZ

- Kenneth Giersz

PRO SE

Side 2. WALMART, INC., Defendant/Appellee

(Litigant Group) WALMART, INC.

- WalMart Inc

Attorneys for: Defendant/Appellee

Michael G Kelley, Esq. (AZ Bar No. 23299)
April A Hancock, Esq. (AZ Bar No. 31053)

CASE STATUS

Jul 8, 2024.....Case Closed

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2022-012235, Property Damage, Jennifer C Ryan-Touhill, Authoring Judge of Order.

OPEN DUE DATE

Supplemental Applic for Waiver/Deferral of Fees

Due By:

Monday, July 22, 2024

Re: FILED: Notice of Court Fees and Costs Due - payment of court fees in the amount of \$280.00 or Supplemental Application for waiver or further deferral due by (Kenneith Giersz, Appellant ) on/before 07/18/24.

CASE DECISION

30-May-2024 MEMORANDUM DECISION

Maria Cruz.....Author
Paul McMurdie.....Concur
Cynthia Bailey.....Concur

Filed: 30-May-2024 Mandate: 08-Jul-2024

Decision Disposition

Affirmed

26 PROCEEDING ENTRIES

- 1. 30-Aug-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 08/01/23
2. 30-Aug-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 31-Aug-2023 FILED: Appellate Clerk Notice re: Continuing Deferral of Fees for Kenneth Giersz, Appellant
4. 31-Aug-2023 FILED: Appellate Clerk Notice re: Appellant's Fee Deferred/Appellee's Fee Due/Case Management Statement/Brief Due
5. 1-Sep-2023 RECEIPT No.: 2023-00837 ; \$140.00, Check Number: #133049, Applied to: WALMART, INC. - Class B Filing Fee (\$140.00) Paid for: - By Thomas Rubin & Kelley PC
6. 3-Oct-2023 FILED: Reporter's Transcript - 05/25/2023 - Oral Argument (Kimberly McCright) (Appellee)
7. 3-Oct-2023 FILED: Notice of Filing Transcript Per ARCAP Rule 11.1(d); Certificate of Service of Notice of Filing Transcript Per ARCAP Rule 11.1(d) (Appellee)
8. 11-Oct-2023 ORDERED: The case management statement must be filed by 10/23/2023. The opening brief remains due on 10/30/2023. If the statement and brief are not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
9. 23-Oct-2023 FILED: Case Management Statement (Appellant Pro Per)
10. 30-Oct-2023 FILED: Motion for Extension of Time to File Brief (Opening) (Appellant Pro Per)

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 23-0543**

**GIERSZ v. WALMART**

**26 PROCEEDING ENTRIES**

11. 31-Oct-2023 ORDERED: Motion for Extension of Time to File Brief (Opening) (Appellant Pro Per) = GRANTED. Due date EXTENDED from Monday, 10-30-2023 to Thursday, 11-30-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
12. 30-Nov-2023 FILED: Appellant's Opening Brief (Appellant Pro Per)
13. 16-Jan-2024 FILED: Appellee's Answering Brief; Appellee's Certificate of Compliance; Appellee's Certificate of Service (Appellee)
14. 5-Feb-2024 FILED: Motion for Extension of Time to File Brief (Reply Brief) (Appellant Pro Per)
15. 6-Feb-2024 ORDERED: Motion for Extension of Time to File Brief (Reply Brief) (Appellant Pro Per) = GRANTED in part. Due date EXTENDED from Monday, 02-05-2024 to Monday, 02-26-2024. If brief not timely filed, court will submit this appeal for decision on record and filed briefs. Melina Brill ProTem Judge - Author
16. 2-Apr-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
17. 12-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
18. 26-Apr-2024 CLNDR: CONFERENCE, Department C, 5-29-24, CONFERENCE ROOM.
19. 28-May-2024 FILED: Summary of Facts (Appellant Pro Per)  
[stricken per order filed 05/30/2024]
20. 30-May-2024 MEMORANDUM DECISION (Affirmed) Hon Maria Elena Cruz - Author; Hon Paul J McMurdie - Concur; Hon Cynthia J Bailey - Concur
21. 30-May-2024 FILED: Decision Distribution Notification
22. 30-May-2024 ORDERED: Striking Appellant's "Summary of Facts". Hon Maria Elena Cruz - Author
23. 3-Jun-2024 FILED: Appellee's Verified Statement of Costs; Appellee's Certificate of Service (Appellee)
24. 26-Jun-2024 ORDERED: Appellee's Verified Statement of Costs (Appellee) = GRANTED. Granting defendant/appellee costs in the amount of \$368.03. Hon Maria Elena Cruz - Author
25. 8-Jul-2024 FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.
26. 10-Jul-2024 FILED: Notice of Court Fees and Costs Due - payment of court fees in the amount of \$280.00 or Supplemental Application for waiver or further deferral due by (Kenneith Giersz, Appellant ) on/before 07/18/24.