

# 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:

### 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

Apr 26, 2024....Assigned

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

### CALENDAR

Wednesday MONTHLY COURT CASE CALENDAR  
29-May-2024 Department C; CONFERENCE ROOM

Mixed

### 18 PROCEEDING ENTRIES

- 30-Aug-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 08/01/23
- 30-Aug-2023 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits: None
- 31-Aug-2023 FILED: Appellate Clerk Notice re: Continuing Deferral of Fees for Kenneth Giersz, Appellant
- 31-Aug-2023 FILED: Appellate Clerk Notice re: Appellant's Fee Deferred/Appellee's Fee Due/Case Management Statement/Brief Due
- 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
- 3-Oct-2023 FILED: Reporter's Transcript - 05/25/2023 - Oral Argument (Kimberly McCright) (Appellee)
- 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)
- 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
- 23-Oct-2023 FILED: Case Management Statement (Appellant Pro Per)
- 30-Oct-2023 FILED: Motion for Extension of Time to File Brief (Opening) (Appellant Pro Per)
- 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
- 30-Nov-2023 FILED: Appellant's Opening Brief (Appellant Pro Per)
- 16-Jan-2024 FILED: Appellee's Answering Brief; Appellee's Certificate of Compliance; Appellee's Certificate of Service (Appellee)
- 5-Feb-2024 FILED: Motion for Extension of Time to File Brief (Reply Brief) (Appellant Pro Per)

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**18 PROCEEDING ENTRIES**

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| 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.   |