

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0552

HANCOCK v. HENNESSY, et al.

Appellate Case Information

Case Filed: 7-Sep-2023

Case Closed:

Dept/Composition

Department F

Hon. Daniel J Kiley
Hon. Kent E Cattani
Hon. D Steven Williams

Side 1. DIANA HANCOCK, Plaintiff/Appellant

(Litigant Group) DIANA HANCOCK

- Diana Hancock

Co-Counsel for: Plaintiff/Appellant

Burton Rosenblatt, Esq. (AZ Bar No. 14023)

Julia Kerr, Esq. (MO Bar No. juliakerr)

Steven Rineberg, Esq. (MO Bar No. 54061)

Side 2. HENNESSY INDUSTRIES, INC., et al., Defendant/Appellee

(Litigant Group) HENNESSY INDUSTRIES, INC.

- Hennessy Industries Inc

Attorneys for: Defendant/Appellee Hennessy

David L O'Daniel, Esq. (AZ Bar No. 6418)

Jonathan Brannon, Esq. (AZ Bar No. 36156)

(Litigant Group) HONEYWELL INTERNATIONAL, INC.

- Honeywell International Inc

Attorneys for: Defendant/Appellee Honeywell

J Steven Sparks, Esq. (AZ Bar No. 15561)

Vincent Miner, Esq. (AZ Bar No. 33879)

(Litigant Group) CATERPILLAR, INC., et al.

- Caterpillar Inc
- Caterpillar Industrial Inc

Attorneys for: Defendants/Appellees Caterpillar

Larry J Crown, Esq. (AZ Bar No. 13133)

Elan S Mizrahi, Esq. (AZ Bar No. 17388)

(Litigant Group) NAVISTAR, INC.

- Navistar Inc

Attorneys for: Defendant/Appellee Navistar

Eric E Lynch, Esq. (AZ Bar No. 25049)

Jennifer Eng, Esq. (MO Bar No. 63805)

CASE STATUS

Apr 26, 2024....Assigned

PREDECESSOR CASE(S)

Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2020-007104	Product Liability- Asbestos	Dewain D Fox, Authoring Judge of Order		

OPEN DUE DATE

Court Ordered Document due

Due By:

Monday, May 6, 2024

Re: ORDERED: Directing the parties to file a status report by 05/06/2024, if stipulations to dismiss are not filed before that date. Melina Brill ProTem Judge - Author

CALENDAR

Thursday MONTHLY COURT CASE CALENDAR
13-Jun-2024 Department F; COURTROOM 1
10:15 AM

CV Cases

44 PROCEEDING ENTRIES

- 7-Sep-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 08/10/23 (Hennessy), Notice of Appeal filed 8/10/23 (Honeywell), Notice of Appeal filed 8/10/23 (Caterpillar), Notice of Appeal filed 8/10/23 (Navistar)
- 7-Sep-2023 FILED: e-Record on Appeal: Instruments/Minute Entries
Exhibits: None

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0552****HANCOCK v. HENNESSY, et al.****44 PROCEEDING ENTRIES**

3.	8-Sep-2023	FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4.	13-Sep-2023	FILED: Amended Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5.	14-Sep-2023	FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
6.	19-Sep-2023	FILED: Plaintiff/Appellant's Motion for Extension of Time to File Transcripts; Certificate of Service (Appellant)
7.	19-Sep-2023	ORDERED: Plaintiff/Appellant's Motion for Extension of Time to File Transcripts (Appellant) = GRANTED and extending the time to file the transcripts to 10/24/2023. The case management statement remains due on 09/28/2023. Melina Brill ProTem Judge - Author
8.	20-Sep-2023	RECEIPT No.: 2023-00901 ; \$280.00, Authorization: #63008615000, Applied to: DIANA HANCOCK - Class A Filing Fee (\$280.00) Paid for: Ely Bettini Ulman & Rosenblatt - By nCourt LLC
9.	25-Sep-2023	FILED: Appellate Clerk Notice re: Appellee's Fees; Appellant's Brief/Case Management Statement Due
10.	27-Sep-2023	RECEIPT No.: 2023-00917 ; \$140.00, Check Number: 42192, Applied to: HENNESSY INDUSTRIES, INC. - Class B Filing Fee (\$140.00) Paid for: David L O'Daniel - By Arizona Premier Legal Services Inc
11.	28-Sep-2023	FILED: Case Management Statement (Appellant)
12.	29-Sep-2023	RECEIPT No.: 2023-00930 ; \$140.00, Check Number: # 11017, Applied to: HONEYWELL INTERNATIONAL, INC. - Class B Filing Fee (\$140.00) Paid for: - By Sanders & Parks PC
13.	3-Oct-2023	FILED: Reporter's Transcript - 04/21/2023 - Matters Taken Under Advisement (Kimberly McCright); Certificate of Service (Appellant)
14.	5-Oct-2023	FILED: Defendant/Appellee Honeywell International, Inc.'s Notice of Payment of Filing Fee; Certificate of Service of Defendant/Appellee Honeywell International, Inc.'s Notice of Payment of Filing Fee (Appellee Honeywell)
15.	9-Oct-2023	FILED: Caterpillar Inc.'s Notice of Payment of Filing Fee; Caterpillar Inc.'s Notice of Payment of Filing Fee (Certificate of Service) (Appellee Caterpillar Inc.)
16.	9-Oct-2023	FILED: Defendant/Appellee Hennessy Industries, Inc.'s Notice of Payment of Filing Fee; Certificate of Service (Appellee Hennessy Industries Inc.)
17.	10-Oct-2023	FILED: Defendant/Appellee Navistar, Inc.'s Notice of Payment of Filing Fee; Certificate of Service of Notice of Payment of Defendant/Appellee Navistar, Inc.'s Filing Fee (Appellee Navistar)
18.	13-Oct-2023	RECEIPT No.: 2023-00963 ; \$140.00, Authorization: # 86012243353, Applied to: CATERPILLAR, INC., et al. - Class B Filing Fee (\$140.00) Paid for: Titus Brueckner Spitler & Shelts PLC - By nCourt LLC
19.	16-Oct-2023	RECEIPT No.: 2023-00971 ; \$140.00, Authorization: #89011576586, Applied to: NAVISTAR, INC. - Class B Filing Fee (\$140.00) Paid for: Polsinelli - CityScape - By
20.	7-Nov-2023	FILED: Petitioner/Appellant Diana Hancock's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
21.	28-Nov-2023	FILED: Defendant/Appellee Hennessy Industries, Inc.'s Motion for Procedural Order Extending Time to File Answering Brief; Certificate of Service (Appellee Hennessy)
22.	29-Nov-2023	ORDERED: Defendant/Appellee Hennessy Industries, Inc.'s Motion for Procedural Order Extending Time to File Answering Brief (Appellee Hennessy) = GRANTED and extending the time to file all answering briefs from 12/18/2023 to 01/17/2024. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
23.	9-Jan-2024	FILED: Notice of Settlement as to Defendant/Appellee Honeywell International, Inc. Only; Certificate of Service of Notice of Settlement as to Defendant/Appellee Honeywell International, Inc. Only (Appellee Honeywell)
24.	17-Jan-2024	FILED: Defendants/Appellee Hennessy Industries, LLC's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee Hennessy Industries Inc.)
25.	17-Jan-2024	FILED: Defendants/Appellee Hennessy Industries, LLC's Appendix (Appellee Hennessy Industries Inc.)
26.	17-Jan-2024	FILED: Defendants/Appellees Caterpillar Inc. and Caterpillar Industrial Inc.'s Answering Brief; Defendants/Appellees Caterpillar Inc. and Caterpillar Industrial Inc.'s Certificate of Compliance; Defendants/Appellees Caterpillar Inc. and Caterpillar Industrial Inc.'s Certificate of Service (Appellee Caterpillar Inc.)
27.	18-Jan-2024	FILED: Defendant/Appellee Navistar, Inc.'s Notice of Settlement; Certificate of Service of Defendant/Appellee Navistar, Inc.'s Notice of Settlement (Appellee Navistar)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0552****HANCOCK v. HENNESSY, et al.****44 PROCEEDING ENTRIES**

28.	18-Jan-2024	FILED: Defendants/Appellees Caterpillar Inc. and Caterpillar Industrial Inc.'s Corrected Certificate of Service (Appellee Caterpillar Inc.)
29.	29-Jan-2024	FILED: Defendants/Appellees Caterpillar Inc. and Caterpillar Industrial Inc.'s Request for Oral Argument; Defendants/Appellees Caterpillar Inc. and Caterpillar Industrial Inc.'s Certificate of Service of Request for Oral Argument (Appellee Caterpillar)
30.	29-Jan-2024	FILED: Plaintiff/Appellant's Motion for Procedural Order for an Extension of Time to File Reply Brief; Certificate of Service (Appellant)
31.	29-Jan-2024	ORDERED: Plaintiff/Appellant's Motion for Procedural Order for an Extension of Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 02-06-2024 to Thursday, 03-07-2024. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
32.	31-Jan-2024	ORDERED: Vacating the 01/17/2024 due date for Honeywell International, Inc. and Navistar, Inc.'s answering briefs. FURTHER ORDERED: Directing the parties to file a status report by 03/01/2024, if stipulations to dismiss are not filed before that date. Melina Brill ProTem Judge - Author
33.	16-Feb-2024	FILED: Defendant/Appellee Hennessy Industries, Inc.'s Request for Oral Argument; Certificate of Service (Appellee Hennessy)
34.	1-Mar-2024	FILED: Status Update; Certificate of Service (Appellant)
35.	5-Mar-2024	ORDERED: Directing the parties to file a status report by 04/04/2024, if stipulations to dismiss are not filed before that date. Melina Brill ProTem Judge - Author
36.	7-Mar-2024	FILED: Petitioner/Appellant Diana Hancock's Reply Brief to Appellee Hennessy Industries, Inc.'s Answering Brief; Certificate of Compliance; Certificate of Service (Appellant)
37.	7-Mar-2024	FILED: Petitioner/Appellant Diana Hancock's Reply Brief to Caterpillar, Inc. and Caterpillar Industrial, Inc.'s Answering Brief; Certificate of Compliance; Certificate of Service (Appellant)
38.	4-Apr-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
39.	4-Apr-2024	FILED: Plaintiff's Status Update; Certificate of Service (Appellant)
40.	8-Apr-2024	ORDERED: Directing the parties to file a status report by 05/06/2024, if stipulations to dismiss are not filed before that date. Melina Brill ProTem Judge - Author
41.	10-Apr-2024	ORDERED: Defendants/Appellees Caterpillar Inc. and Caterpillar Industrial Inc.'s Request for Oral Argument (Appellee Caterpillar) and Defendant/Appellee Hennessy Industries, Inc.'s Request for Oral Argument (Appellee Hennessy) = GRANTED. Hon David B Gass - Author
42.	15-Apr-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
43.	26-Apr-2024	CLNDR: MONTHLY COURT CASE CALENDAR, Department F, 6-13-24, 10:15 am, COURTROOM 1.
44.	29-Apr-2024	FILED: Notice of Oral Argument