

Court of Appeals, Division One
Industrial Commission

1 CA-IC 22-0017

MCDERMOTT v. BALFOUR/STARR

Appellate Case Information

Case Filed: 17-May-2022
Case Closed: 24-Apr-2024

Decision

Dept/Composition

Department B

Hon. Brian Y Furuya
Hon. Paul J McMurdie
Hon. Kent E Cattani

Side 1. PATRICK MCDERMOTT, Petitioner

(Litigant Group) PATRICK MCDERMOTT

- Patrick McDermott, Petitioner Employee

Attorneys for: Petitioner Employee

Thomas C Wilmer, Esq. (AZ Bar No. 13451)

Side 2. THE INDUSTRIAL COMMISSION OF ARIZONA,

Respondent,

BALFOUR BEATTY COMMUNITIES LLC,

Respondent Employer,

STARR INDEMNITY & LIABILITY CO,

Respondent Insurance Carrier., Respondent

(Litigant Group) ICA

- Industrial Commission of Arizona

Attorneys for: Respondent ICA

Afshan Peimani, Esq. (AZ Bar No. 26156)

(Litigant Group) BALFOUR/STARR

- Balfour Beatty Communities LLC, Respondent Employer
- Starr Indemnity & Liability Company, Respondent Insurance Carrier

Attorneys for: Respondent Employer/Carrier

K Casey Kurth, Esq. (AZ Bar No. 11572)

CASE STATUS

Apr 24, 2024.....Case Closed

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---------------------------|--------------------|-------------------|--|-------|-------|
| ICA 20210890379 | | | Michelle Bodi, Administrative Law Judge | | |
| INSCA 005094-001373-WC-01 | | | Comments: (none) | | |

DESCENDENT CASE(S)

ASC CV-23-0269-PR

CASE DECISION

28-Sep-2023 MEMORANDUM DECISION

Kent Cattani.....Author
Brian Furuya.....Concur
Paul McMurdie.....Concur

Filed: 28-Sep-2023

Mandate: 24-Apr-2024

Decision Disposition

Award Set Aside

28 PROCEEDING ENTRIES

- 17-May-2022 FILED: Petition for Special Action - Industrial Commission; Certificate of Service (Petitioner)
- 18-May-2022 FILED: Writ of Review
FILED: Certificate of Mailing re: Writ of Review
- 23-May-2022 RECEIPT No.: 2022-00570 ; \$280.00, Authorization: #43009226541, Applied to: PATRICK MCDERMOTT - Class A Filing Fee (\$280.00) Paid for: Thomas C Wilmer - By nCourt LLC
- 24-May-2022 FILED: Notice of Appearance; Certificate of Service for Notice of Appearance (Respondent Employer/Carrier)

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1 CA-IC 22-0017

MCDERMOTT v. BALFOUR/STARR

28 PROCEEDING ENTRIES

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| 5. | 31-May-2022 | RECEIPT No.: 2022-00596 ; \$140.00, Authorization: #5102375654, Applied to: BALFOUR/STARR - Class B Filing Fee (\$140.00) Paid for: Jardine Baker Hickman & Houston PLLC - By nCourt LLC |
| 6. | 1-Jun-2022 | FILED: e-Record on Appeal: ALJ Hearing File (1 volume) Claims File (1 volume) |
| 7. | 1-Jun-2022 | FILED: Notice of Appearance; Certificate of Service (Respondent ICA) |
| 8. | 5-Jul-2022 | FILED: Petitioner's Opening Brief; Certificate of Compliance; Certificate of Service; Petitioner's Opening Brief Appendices (Petitioner) |
| 9. | 12-Aug-2022 | FILED: Respondent Employer's Motion for Extension of Time to File Opening (Answering) Brief; Certificate of Service for Respondents' Motion for Extension of Time to File Answering Brief (Respondent Employer) |
| 10. | 15-Aug-2022 | ORDERED: Respondent Employer's Motion for Extension of Time to File Opening (Answering) Brief (Respondent Employer) = DENIED. Barbara Vidal Vaught - Author |
| 11. | 15-Aug-2022 | FILED: Respondent Motion for Procedural Order (Extension of Time to File Answering Brief); Certificate of Service for Respondent's Motion for Extension of Time to File Answering Brief (Respondent Employer) |
| 12. | 16-Aug-2022 | ORDERED: Respondent Motion for Procedural Order (Extension of Time to File Answering Brief) (Respondent Employer) = GRANTED. Due date EXTENDED from Monday, 08-15-2022 to Friday, 09-30-2022. Barbara Vidal Vaught - Author |
| 13. | 30-Sep-2022 | FILED: Answering Brief; Certificate of Compliance; Certificate of Service for Respondents' Answering Brief (Respondent Employer) |
| 14. | 20-Oct-2022 | FILED: Petitioner's Reply Brief; Certificate of Compliance; Certificate of Service (Petitioner) |
| 15. | 20-Oct-2022 | FILED: Request for Oral Argument; Certificate of Service (Petitioner) |
| 16. | 8-Nov-2022 | ORDERED: Request for Oral Argument (Petitioner) = GRANTED. |
| 17. | 24-Nov-2022 | CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 1-24-23, 09:30 am, COURTROOM 2. |
| 18. | 29-Nov-2022 | FILED: Notice of Oral Argument |
| 19. | 30-Nov-2022 | FILED: Return Receipt for Notice of Oral Argument, signed by Thomas C Wilmer on 11/29/2022 (Petitioner) |
| 20. | 2-Dec-2022 | FILED: Memorandum: Judge Cattani for Judge Campbell (Chief Judge Cattani) |
| 21. | 24-Jan-2023 | FILED: Sign-in Sheet/Case is Under Advisement as of 01/24/2023 |
| 22. | 28-Sep-2023 | MEMORANDUM DECISION (Award Set Aside) Hon Kent E Cattani - Author; Hon Brian Y Furuya - Concur; Hon Paul J McMurdie - Concur |
| 23. | 28-Sep-2023 | FILED: Memorandum Decision Distribution List |
| 24. | 16-Oct-2023 | FILED: Notice of Substitution of Counsel; Certificate of Service: Notice of Substitution of Counsel (Respondent ICA) |
| 25. | 31-Oct-2023 | FILED: Email Notice from ASC re: Petition for Review filed 10/30/2023; request for partial record |
| 26. | 31-Oct-2023 | FILED: Letter forwarding partial record to Arizona Supreme Court |
| 27. | 2-Apr-2024 | FILED: Letter from ASC, 4/2/24, re: Petition for Review DENIED on 4/2/24 |
| 28. | 24-Apr-2024 | FILED: Mandate, No physical record to be returned to clerk, Industrial Commission of Arizona |