

**Court of Appeals, Division One****Industrial Commission****1 CA-IC 23-0002****CRAIG v. CITY OF PHOENIX/CITY OF PHX****Appellate Case Information**

Case Filed: 29-Mar-2023

Case Closed:

**Dept/Composition****Department C**Hon. D Steven Williams  
Hon. Samuel A Thumma  
Hon. Paul J McMurdie**Side 1. THOMAS CRAIG, Petitioner****(Litigant Group) THOMAS CRAIG**

- Thomas Craig, Petitioner Employee

**Attorneys for: Petitioner Employee**

David L Abney, Esq. (AZ Bar No. 9001)

**Side 2. THE INDUSTRIAL COMMISSION OF ARIZONA,****Respondent,****CITY OF PHOENIX,****Respondent Employer,****CITY OF PHOENIX,****Respondent Carrier.****, Respondent****(Litigant Group) ICA**

- Industrial Commission of Arizona

**Attorneys for: Respondent ICA**

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

**(Litigant Group) CITY OF PHOENIX/CITY OF PHOENIX**

- City of Phoenix, Respondent Employer, Respondent Insurance Carrier

**Attorneys for: Respondent Employer/Carrier**

R Todd Lundmark, Esq. (AZ Bar No. 6919)

David Lundmark, Esq. (AZ Bar No. 35003)

**CASE STATUS**

Mar 18, 2024....Pending in ASC

| PREDECESSOR CASE (S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments>                         | Trial | Dispo |
|----------------------|--------------------|-------------------|--|-------|-------|
| ICA 20212770223      |                    |                   | C Andrew Campbell,<br>Administrative Law Judge |       |       |
| INSCA 21G10J874066   |                    |                   | Comments: (none)                               |       |       |

**DESCENDENT CASE (S)**

ASC CV-24-0023-PR

**CASE DECISION****09-Jan-2024 MEMORANDUM DECISION**

Paul McMurdie.....Author

D Williams.....Concur

Samuel Thumma.....Concur

Filed: 09-Jan-2024

Mandate:

Decision Disposition

**Award Set Aside****33 PROCEEDING ENTRIES**

- 29-Mar-2023 FILED: Petition for Special Action -- Industrial Commission; Certificate of Service for Petition for Special Action -- Industrial Commission (Petitioner)
- 29-Mar-2023 FILED: Letter, 03/29/2023, to Petitioner from Court Re: filing fee or enclosed Application for Deferral of Fees due on/before 04/10/2023, or petition will be subject to dismissal
- 30-Mar-2023 FILED: Notice of Appearance; Certificate of Service to Notice of Appearance (Respondent Employer/Carrier)

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| 4.  | 30-Mar-2023 | FILED: First Amended Petition for Special Action -- Industrial Commission; Certificate of Service for First Amended Petition for Special Action -- Industrial Commission (Petitioner)  |
| 5.  | 31-Mar-2023 | FILED: Writ of Review<br>FILED: Certificate of Mailing re: Writ of Review  |
| 6.  | 3-Apr-2023  | RECEIPT No.: 2023-00321 ; \$280.00, Authorization: #93014223453, Applied to: THOMAS CRAIG - Class A Filing Fee (\$280.00) Paid for: Ahwatukee Legal Office PC - By nCourt LLC  |
| 7.  | 5-Apr-2023  | RECEIPT No.: 2023-00328 ; \$140.00, Authorization: #95012043242, Applied to: CITY OF PHOENIX/CITY OF PHOENIX - Overpayment Class B (\$140.00) Paid for: Lundmark Barberich La Mont & Slavin PC - By nCourt LLC (Memo: overpayment - refund needed) |
| 8.  | 14-Apr-2023 | FILED: e-Record on Appeal:<br>ALJ Hearing File (1 volume)<br>Claims File (1 volume)  |
| 9.  | 14-Apr-2023 | FILED: Notice of Appearance; Certificate of Service: Notice of Appearance (Respondent ICA)   |
| 10. | 20-Apr-2023 | FILED: Letter dated 04/20/2023 to Todd Lundmark, Lundmark Barberich La Mont & Slavin, P.C., from Court re: enclosing check # 113173 in the amount of \$140.00 for refund of monies submitted in error  |
| 11. | 10-May-2023 | FILED: Motion for Procedural Order Extending Filing Date for Opening Brief; Certificate of Service for Motion for Procedural Order Extending Filing Date for Opening Brief (Petitioner)  |
| 12. | 10-May-2023 | ORDERED: Motion for Procedural Order Extending Filing Date for Opening Brief (Petitioner) = GRANTED. Due date EXTENDED from Monday, 05-15-2023 to Wednesday, 06-14-2023. Barbara Vidal Vaught ProTem Judge - Author                                |
| 13. | 14-Jun-2023 | FILED: Opening Brief; Certificate of Compliance for Opening Brief; Certificate of Service for Opening Brief (Petitioner)   |
| 14. | 14-Jul-2023 | FILED: Motion for Procedural Order Extending Filing Date for Answering Brief; Certificate of Service Motion for Procedural Order Extending Filing Date for Answering Brief (Respondent City of Phoenix)  |
| 15. | 17-Jul-2023 | ORDERED: Motion for Procedural Order Extending Filing Date for Answering Brief (Respondent City of Phoenix) = GRANTED. Due date EXTENDED from Monday, 07-24-2023 to Wednesday, 08-23-2023. Barbara Vidal Vaught ProTem Judge - Author              |
| 16. | 21-Aug-2023 | FILED: Answering Brief Of Respondent City Of Phoenix; Certificate of Compliance; Certificate of Service (Respondent Employer/Carrier)  |
| 17. | 11-Sep-2023 | FILED: Reply Brief; Certificate of Compliance for Reply Brief; Certificate of Service for Reply Brief (Petitioner)   |
| 18. | 14-Sep-2023 | FILED: Request for Oral Argument; Certificate of Service (Respondent Employer/Carrier)   |
| 19. | 22-Sep-2023 | ORDERED: Request for Oral Argument (Respondent Employer/Carrier) = GRANTED. Hon David B Gass - Author  |
| 20. | 13-Oct-2023 | FILED: Notice of Substitution of Counsel; Certificate of Service: Notice of Substitution of Counsel (Respondent ICA)   |
| 21. | 25-Oct-2023 | CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 12-13-23, 11:00 am, CONFERENCE ROOM.   |
| 22. | 30-Oct-2023 | FILED: Notice of Oral Argument   |
| 23. | 1-Nov-2023  | FILED: Return Receipt Re Oral Argument, signed by David Lundmark, on 10/30/23 (Respondent Employer/Carrier)  |
| 24. | 2-Nov-2023  | FILED: Return Receipt Re Oral Argument, signed by David Abney, on 10/30/23 (Petitioner)  |
| 25. | 12-Dec-2023 | FILED: Amended Notice of Oral Argument   |
| 26. | 12-Dec-2023 | FILED: Return Receipt for Notice of Oral Argument (Petitioner)   |
| 27. | 13-Dec-2023 | FILED: Sign-in Sheet/Case is Under Advisement as of 12/13/2023   |
| 28. | 21-Dec-2023 | FILED: Return Receipt - Oral Argument (Respondent Employer/Carrier)  |
| 29. | 9-Jan-2024  | MEMORANDUM DECISION (Award Set Aside) Hon Paul J McMurdie - Author; Hon D Steven Williams - Concur; Hon Samuel A Thumma - Concur   |
| 30. | 9-Jan-2024  | FILED: Decision Distribution Notification  |
| 31. | 7-Feb-2024  | FILED: ASC Order extending the time to file a Petition for Review to 3/19/24   |

**Court of Appeals, Division One**

**Industrial Commission**

**1 CA-IC 23-0002**

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**33 PROCEEDING ENTRIES**

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| 32. | 18-Mar-2024 | FILED: Email Notice from ASC re: Petition for Review filed 03/18/2024; request for partial record |
| 33. | 19-Mar-2024 | FILED: Letter forwarding partial record to Arizona Supreme Court                                  |