

**Court of Appeals, Division One
Industrial Commission**

1 CA-IC 23-0008

SMITH v. TURF PARADISE/AMERICAN

Appellate Case Information

Case Filed: 8-Jun-2023
Case Closed:

Dept/Composition

Department A
Hon. Angela K Paton
Hon. Michael S Catlett
Hon. James B Morse

Side 1. DAVID SMITH, Petitioner

(Litigant Group) DAVID SMITH

- David Smith, Petitioner Employee PRO SE

Side 2. THE INDUSTRIAL COMMISSION OF ARIZONA,

Respondent,

TURF PARADISE,

Respondent Employer,

AMERICAN LIBERTY INSURANCE CO,

Respondent Carrier,
Respondent

(Litigant Group) ICA

- Industrial Commission of Arizona **Attorneys for: Respondent ICA**
Afshan Peimani, Esq. (AZ Bar No. 26156)
- Turf Paradise Race Track, Respondent Employer **Attorneys for: Respondent Employer/Carrier**
K Casey Kurth, Esq. (AZ Bar No. 11572)
- American Liberty Insurance Company, Respondent Insurance Carrier

CASE STATUS

May 23, 2024...Decision Rendered

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
ICA 20200740001			Colleen Marmor, Administrative Law Judge		
INSCA 7058370			Comments: (none)		

DESCENDENT CASE (S)

ASC CV-24-0132-PR

OPEN DUE DATE

Petition for Review to ASC due **Due By:** Wednesday, July 10, 2024
Re: MEMORANDUM DECISION (Affirmed) Hon James B Morse Jr. - Author; Hon Angela K Paton - Concur; Hon Michael S Catlett - Concur [1 extension]

CASE DECISION

23-May-2024 MEMORANDUM DECISION

James Morse.....Author
Angela Paton.....Concur
Michael Catlett.....Concur

Filed: **23-May-2024** Mandate:

Decision Disposition
Affirmed

31 PROCEEDING ENTRIES

1. 8-Jun-2023 FILED: Petition for Special Action - Industrial Commission

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31 PROCEEDING ENTRIES

2. 8-Jun-2023 RECEIPT No.: 2023-00506 ; \$280.00, Authorization: #19-463162277, Applied to: DAVID SMITH - Class A Filing Fee (\$280.00) Paid for: - By DAVID SMITH
3. 13-Jun-2023 FILED: Writ of Review
FILED: Certificate of Mailing re: Writ of Review
4. 22-Jun-2023 FILED: Notice of Appearance; Certificate of Service: Notice of Appearance (Respondent ICA)
5. 22-Jun-2023 FILED: e-Record on Appeal:
ALJ Hearing File (1 volume)
Claims File (1 volume)
6. 26-Jun-2023 FILED: Notice of Appearance; Certificate of Service for Respondents' Notice of Appearance (Respondent Employer/Carrier)
7. 30-Jun-2023 RECEIPT No.: 2023-00579 ; \$140.00, Authorization: # 81003563273, Applied to: TURF PARADISE/AMERICAN LIBERTY INSURANCE CO - Class B Filing Fee (\$140.00) Paid for: Jardine Baker Hickman & Houston PLLC - By nCourt LLC
8. 30-Jun-2023 FILED: Letter, 6/30/23, from Court to Petitioner, returning documents received 6/28/23
9. 26-Jul-2023 FILED: (Untitled) Opening Brief (Petitioner Pro Per)
(Striken Per Order Filed 7/27/23)
10. 28-Jul-2023 ORDERED: Striking the opening brief filed 7/26/23. FURTHER ORDERED: Granting petition until 8/28/23 to file a brief that complies with ARCAP. If the brief is not timely filed, the court will dismiss this special action. Melina Brill ProTem Judge - Author
11. 28-Aug-2023 FILED: Motion for Extension of Time to File Brief (Opening) (Petitioner Pro Per)
12. 28-Aug-2023 FILED: Request to Participate in Pro Bono Program (Petitioner Pro Per)
13. 29-Aug-2023 ORDERED: Request to Participate in Pro Bono Program (Petitioner Pro Per) = DENIED. FURTHER ORDERED: Motion for Extension of Time to File Brief (Opening) (Petitioner Pro Per) = GRANTED. Due date EXTENDED from Monday, 08-28-2023 to Wednesday, 09-27-2023. Barbara Vidal Vaught ProTem Judge - Author
14. 19-Sep-2023 FILED: General (Request for Clarification) (Petitioner Pro Per)
15. 19-Sep-2023 ORDERED: General (Request for Clarification) (Petitioner Pro Per) = DENIED. Hon David B Gass - Author
16. 29-Sep-2023 FILED: Appellants [sic] Opening Brief (Petitioner Pro Per)
17. 11-Oct-2023 ORDERED: Petitioner must file certificates of compliance and service by 10/20/23. Barbara Vidal Vaught ProTem Judge - Author
18. 13-Oct-2023 FILED: Notice of Substitution of Counsel; Certificate of Service: Notice of Substitution of Counsel (Respondent ICA)
19. 23-Oct-2023 FILED: Certificate of Service; Certificate of Compliance
20. 6-Nov-2023 FILED: Motion for Extension of Time to File Answering Brief [sic]; Certificate of Service for Respondents' Notice of Appearance (for Motion for Extension of Time) (Respondent Employer/Carrier)
21. 6-Nov-2023 ORDERED: Motion for Extension of Time to File Answering Brief [sic] = DENIED. Barbara Vidal Vaught ProTem Judge - Author
22. 9-Nov-2023 FILED: Amended Motion for Extension of Time to File Answering [sic] Brief; Amended Certificate of Service for Respondents' Notice of Appearance (Respondent Employer/Carrier)
23. 9-Nov-2023 ORDERED: Amended Motion for Extension of Time to File Answering [sic] Brief = GRANTED. Due date EXTENDED from Monday, 11-13-2023 to Wednesday, 12-13-2023 Barbara Vidal Vaught ProTem Judge - Author
24. 13-Dec-2023 FILED: Answering Brief of Respondent Employer and Respondent Carrier; Certificate of Compliance; Certificate of Service for Respondents' Answering Brief (Respondent Employer/Carrier)
25. 29-Dec-2023 FILED: Motion for Extension of Time to File Brief (Reply) (Petitioner Pro Per)
26. 29-Dec-2023 ORDERED: Motion for Extension of Time to File Brief (Reply) (Petitioner Pro Per) = GRANTED. Due date EXTENDED from Tuesday, 01-02-2024 to Tuesday, 01-09-2024. Barbara Vidal Vaught ProTem Judge - Author
27. 8-Jan-2024 FILED: Appellants Reply Brief (Petitioner Pro Per)
28. 26-Feb-2024 CLNDR: CONFERENCE, Department A, 4-16-24, CONFERENCE ROOM.

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| 29. | 23-May-2024 | MEMORANDUM DECISION (Affirmed) Hon James B Morse Jr. - Author; Hon Angela K Paton - Concur; Hon Michael S Catlett - Concur |
| 30. | 23-May-2024 | FILED: Decision Distribution Notification |
| 31. | 25-Jun-2024 | FILED: ASC Order re: Petition for Review; Petitioner shall pay required filing fee or submit completed application for Fee Deferra/Waiver on or before 7/10/24. |