

**Court of Appeals, Division One**  
**Unemployment Board**

**1 CA-UB 22-0042**

**DYNAMETRICS v. ADES/ENRIQUEZ**

**Appellate Case Information**

Case Filed: 18-Mar-2022

Case Closed: 25-Apr-2024

Decision

**Dept/Composition**

**Department A**

Hon. Randall M Howe  
Hon. Jennifer M Perkins  
Hon. Daniel J Kiley

**Side 1. DYNAMETRICS INC, Appellant**

**(Litigant Group) DYNAMETRICS**

- Dynometrics Inc

**Attorneys for: Appellant**

Spencer T Proffitt, Esq. (AZ Bar No. 27455)

**Side 2. ARIZONA DEPARTMENT OF ECONOMIC SECURITY, an agency,**

**and**

**JULIE ENRIQUEZ, Appellee**

**(Litigant Group) ADES**

- Arizona Department of Economic Security

**Attorney for: Appellee ADES**

Jennifer R Blum, Esq. (AZ Bar No. 29716)

**(Litigant Group) ENRIQUEZ**

- Julie Enriquez

**Attorneys for: Appellee Enriquez**

Heather Stanton, Esq. (AZ Bar No. 33394)

**CASE STATUS**

Apr 25, 2024.....Case Closed

**PREDECESSOR CASE(S)**

UAB U-1737637-001-B

**Cause/Charge/Class**

**Judgment/Sentence**

**Judge, Role <Comments>**

**Trial**

**Dispo**

**CASE DECISION**

**19-Mar-2024 OPINION**

Daniel Kiley.....Author

Randall Howe.....Concur

Jennifer Perkins.....Concur

Filed: 19-Mar-2024

Mandate: 25-Apr-2024

Decision Disposition

**Reversed**

**Remanded**

**47 PROCEEDING ENTRIES**

1. 18-Mar-2022 FILED: Record on Appeal/Application for Appeal to the Court of Appeals
2. 5-Apr-2022 FILED: Assigning UB Appeal to Dept E, Judges Campbell, Howe, Morse for review of application [Amy M. Wood, Clerk]
3. 28-Apr-2022 ORDERED: Record on Appeal/Application for Appeal to the Court of Appeals = GRANTED. The Opening Brief shall be filed with this court within forty days from the date of this order. FURTHER ORDERED: staying this appeal pending a determination regarding whether this case should be assigned to the court's pro bono program. FURTHER ORDERED: vacating the assignment of this case to Department E. Hon Randall M Howe - Author
4. 24-Jun-2022 ORDERED: placing this appeal in the Court's pro bono program. FURTHER ORDERED: any objection to the appointment of pro bono counsel for appellant must be filed in writing by 7/5/22. FURTHER ORDERED: pro bono counsel must file a notice of appearance by 8/4/22. FURTHER ORDERED: staying this appeal pending further order of the court. Hon Kent E Cattani - Author
5. 5-Jul-2022 FILED: Notice of Appearance; Certificate of Service (Appellant)
6. 12-Jul-2022 ORDERED: lifting the stay of this appeal. FURTHER ORDERED: appointing Heather Stanton, Esq., of Lewis Rothgerber Christie LLP as pro bono counsel to represent appellant for the purposes of this appeal only. FURTHER ORDERED: the opening brief is due on 8/22/22. Melina Brill ProTem Judge - Author

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7.	30-Aug-2022	ORDERED: Extending the time to file the Opening Brief to 9/9/22. If the brief is not timely filed, the court will dismiss this appeal. Barbara Vidal Vaught - Author
8.	21-Sep-2022	ORDERED: extending the time to file the opening brief to 10/21/22. Melina Brill ProTem Judge - Author
9.	7-Oct-2022	FILED: Motion to Redesignate the Parties or for Clarification; Certificate of Service (Appellant)
10.	11-Oct-2022	ORDERED: Vacating 10/31/2022 due date for opening brief. Order ruling on pending motion to redesignate or for clarification will address briefing schedule. Barbara Vidal Vaught ProTem Judge - Author
11.	25-Oct-2022	FILED: ADES's Response to Julie Enriquez's Motion to Redesignate the Parties or for Clarification; ADES's Certificate of Service for Response to Motion to Redesignate the Parties or for Clarification (Appellee ADES)
12.	2-Nov-2022	ORDERED: Motion to Redesignate the Parties or for Clarification (Appellant) = GRANTED and amending caption to correctly identify parties. Caption shown on order must be used on all future documents filed in appeal. FURTHER ORDERED: Opening brief due 12/01/2022. Barbara Vidal Vaught - Author
13.	14-Nov-2022	FILED: Returned US Mail, Order Amending Caption dated 11/02/2022, addressed to Dynometrics Inc, Unable to Forward
14.	14-Dec-2022	ORDERED: Directing ADES to provide the court with any address information it has for Dynometrics Inc. by 12/27/22. Hon Kent E Cattani - Author
15.	16-Dec-2022	FILED: Response to Court of Appeals Order Directing Address (Supplement to Record on Appeal)
16.	11-Jan-2023	ORDERED: Staying appeal pending appointment of pro bono counsel for appellant Dynometrics Inc. FURTHER ORDERED: Pro bono counsel must file notice of appearance by 02/09/2023. FURTHER ORDERED: Directing Clerk of the Court to send appellant Pro Bono Program Guide for Self-Represented Parties. ORDERED: Vacating 12/01/2022 due date for opening brief. Court will address briefing schedule after notice of appearance is filed. ORDERED: Directing clerk of court to send Dynomterics copy of 11/02/2022 order. Hon Kent E Cattani - Author
17.	9-Feb-2023	FILED: Appellant's Notice of Appearance; Appellant's Certificate of Service (Appellant)
18.	10-Feb-2023	ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: Appointing Spencer T. Proffitt as pro bono counsel to represent appellant. FURTHER ORDERED: Directing the clerk of the court to amend the record to reflect the above pro bono counsel of record for appellant. FURTHER ORDERED: Setting the following schedule for briefing: Opening Brief due 3/27/23; Answering Brief due 40 days after service of the Opening Brief; Optional Reply Brief due 20 days after service of the Answering Brief. FURTHER ORDERED: Any request for oral argument must be filed in accordance with ARCAP 18. Melina Brill ProTem Judge - Author
19.	24-Mar-2023	FILED: Motion for Procedural Order: Extension of Time to File Appellant's Opening Brief & Concurrent Extension of Response; Appellant's Certificate of Service (Appellant)
20.	27-Mar-2023	ORDERED: Motion for Procedural Order: Extension of Time to File Appellant's Opening Brief & Concurrent Extension of Response (Appellant) = GRANTED. Due date EXTENDED from Monday, 03-27-2023 to Wednesday, 04-12-2023. FURTHER ORDERED: Denying the request for an extension of time to file the answering brief without prejudice to the filing of a motion after the due date is set. Barbara Vidal Vaught - Author
21.	12-Apr-2023	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
22.	17-Apr-2023	FILED: ADES'S Notice of Change of Counsel; ADES's Certificate of Service for Notice of Change of Counsel (Appellee ADES)
23.	22-May-2023	FILED: Motion for Procedural Order: ADES's Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
24.	23-May-2023	ORDERED: Motion for Procedural Order: ADES's Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Tuesday, 05-30-2023 to Monday, 07-10-2023. Barbara Vidal Vaught ProTem Judge - Author
25.	10-Jul-2023	FILED: Appellee Arizona Department Of Economic Security's Answering Brief; Appellee Department Of Economic Security's Certificate Of Compliance; Certificate of Service (Appellee ADES)
26.	10-Jul-2023	FILED: Appellee Julie Enriquez's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee Enriquez)
27.	10-Jul-2023	FILED: Request for Oral Argument; Certificate of Service (Appellee Enriquez)
28.	28-Jul-2023	FILED: Motion for Procedural Order: Extension of Time to File Appellant's Reply Brief; Certificate of Service (Appellant)
29.	31-Jul-2023	ORDERED: Motion for Procedural Order: Extension of Time to File Appellant's Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-31-2023 to Monday, 08-14-2023. Barbara Vidal Vaught ProTem Judge - Author
30.	14-Aug-2023	FILED: Appellant's Reply Brief; Certificate of Compliance; Appellant's Certificate of Service (Appellant)

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31.	18-Aug-2023	ORDERED: Request for Oral Argument (Appellee) = GRANTED. Hon David B Gass - Author
32.	5-Sep-2023	FILED: ADES'S Notice of Change of Counsel; ADES's Certificate of Service for Notice of Change of Counsel (Appellee ADES)
33.	26-Sep-2023	FILED: Notice of Oral Argument
34.	27-Sep-2023	FILED: Return Receipt Re Oral Argument, signed by Heather Stanton, on 9/26/23 (Appellee Enriquez)
35.	2-Oct-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 11-14-23, 02:30 pm, COURTROOM 1.
36.	19-Oct-2023	FILED: Return Receipt Re Oral Argument, signed by Jennifer Blum, on 9/26/23 (Appellee ADES)
37.	19-Oct-2023	FILED: Motion for Procedural Order: Continuance of Oral Argument; Appellant's Certificate of Service (Appellant)
38.	26-Oct-2023	ORDERED: Motion for Procedural Order: Continuance of Oral Argument (Appellant) = GRANTED and vacating oral argument set for 11/14/2023. A new date will be set in a future order. Hon Randall M Howe - Author
39.	8-Nov-2023	ORDERED: Scheduling oral argument on 1/24/24 at 10:00 am before Department A, Courtroom 2. Each side is allocated 20 minutes within which to present oral argument. Hon Randall M Howe - Author
40.	9-Nov-2023	FILED: Return Receipt Re Oral Argument, signed by Jennifer Blum, on 11/9/23 (Appellee)
41.	27-Nov-2023	FILED: Notice of Oral Argument
42.	27-Nov-2023	FILED: Return Receipt Re Oral Argument, signed by Heather Stanton, on 11/27/23 (Appellee Enriquez)
43.	6-Dec-2023	FILED: Return Receipt Re Oral Argument, signed by Spencer Proffitt, on 12/04/23 (Appellant)
44.	24-Jan-2024	FILED: Sign-in Sheet/Case is Under Advisement as of 1/24/24
45.	19-Mar-2024	OPINION (Reversed, Remanded) Hon Daniel J Kiley - Author; Hon Randall M Howe - Concur; Hon Jennifer M Perkins - Concur
46.	19-Mar-2024	FILED: Decision Distribution Notification
47.	25-Apr-2024	FILED: Mandate, No physical record to be returned to clerk, ADES Appeals Board.