

**Court of Appeals, Division One**

**Unemployment Board**

**1 CA-UB 22-0488**

**MARTINEZ v. LIV/ADES**

**Appellate Case Information**

Case Filed: 16-Dec-2022

Case Closed: 18-Apr-2024

**Dismissal**

**Dept/Composition**

**Department C**

Hon. Paul J McMurdie  
Hon. Maria Elena Cruz  
Hon. Cynthia J Bailey

**Side 1. CARRIE MARTINEZ, Appellant**

**(Litigant Group) CARRIE MARTINEZ**

- Carrie Martinez

**Attorney for: Appellant**

Matthew S Vesterdahl, Esq. (AZ Bar No. 36401)

Cassidy R Kitterman, Esq. (AZ Bar No. 38070)

**Side 2. LIV COMMUNITIES LLC,**

**and,**

**ARIZONA DEPARTMENT OF ECONOMIC SECURITY, an Agency, Appellee**

**(Litigant Group) LIV COMMUNITIES LLC**

- Liv Communities LLC

PRO SE

**(Litigant Group) ADES**

- Arizona Department of Economic Security

**Attorney for: Appellee ADES**

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

**CASE STATUS**

Apr 18, 2024.....Case Closed

**PREDECESSOR CASE(S)**

UAB U-1807015-001-B

**Cause/Charge/Class**

**Judgment/Sentence**

**Judge, Role <Comments>**

**Trial**

**Dispo**

**CASE DECISION**

**18-Apr-2024 ORDER**

ORDERED: Dismissing this appeal. The parties shall bear their own costs and attorney's fees.

Filed: 18-Apr-2024

Mandate:

Paul McMurdie.....Author

Decision Disposition

**Dismissed**

**29 PROCEEDING ENTRIES**

- 16-Dec-2022 FILED: Record on Appeal/Application for Appeal to the Court of Appeals
- 23-Dec-2022 FILED: Supplemental Application for Appeal
- 20-Jan-2023 FILED: Appellate Clerk Notice Re: Benefits Application for Appeal - assigned to Dept. B, Judges Furuya, Campbell, McMurdie
- 11-Apr-2023 ORDERED: Record on Appeal/Application for Appeal to the Court of Appeals = GRANTED/Briefs filed in this matter should address the following issues (See 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 appeal to Department B. Hon Paul J McMurdie - Author
- 14-Apr-2023 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 4/24/23. FURTHER ORDERED: Pro bono counsel must file a notice of appearance by 5/24/23. FURTHER ORDERED: Staying this appeal pending further order of the Court. Hon Kent E Cattani - Author
- 19-May-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)

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7.	23-May-2023	ORDERED: lifting the stay of this appeal. FURTHER ORDERED: appointing Matthew S. Vesterdahl and Cassidy R. Kitterman as pro bono counsel to represent appellant for purposes of this appeal only. 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 the briefing: the opening brief is due on July 6, 2023; the answering brief is due within 40 days after service of the opening brief; and the optional reply brief is due within 20 days after service of the answering brief. FURTHER ORDERED that any request for oral argument must be filed in accordance with Arizona Rule of Civil Appellate Procedure 18. Melina Brill ProTem Judge - Author
8.	1-Jun-2023	RECEIPT No.: 2023-00484 ; \$128.00, Check Number: #2740, Applied to: CARRIE MARTINEZ - Overpayment X (\$128.00) Paid for: - By The Admin Law Group AZ LTD (Memo: Fee exempt - refund needed)
9.	29-Jun-2023	FILED: Appellant Carrie Martinez's Motion for Procedural Order Re: Extension of Time to File Opening Brief; Certificate of Service for Appellant Carrie Martinez's Motion for Procedural Order Re: Extension of Time to File Opening Brief (Appellant)
10.	29-Jun-2023	FILED: Declaration of Matthew S. Vesterdahl, Esq. in Support of Appellant Carrie Martinez's Motion for Procedural Order Re: Extension of Time to File Opening Brief (Appellant)
11.	30-Jun-2023	ORDERED: Appellant Carrie Martinez's Motion for Procedural Order Re: Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 07-06-2023 to Monday, 08-07-2023. Barbara Vidal Vaught ProTem Judge - Author
12.	13-Jul-2023	FILED: Letter dated 07/13/2023 to The Admin Law Group from Court re: enclosing check #113358 in the amount of \$280.00 [sic] for refund of monies submitted in error
13.	7-Aug-2023	FILED: Appellant's Opening Brief; Certificate Of Compliance For Appellant's Opening Brief; Certificate Of Service For Appellant's Opening Brief (Appellant)
14.	29-Aug-2023	FILED: Letter dated 8/29/23/2023 to The Admin Law Group from Court re: letter filed 7/11/23 contained incorrect check amount (correct amount \$128.00)
15.	7-Sep-2023	FILED: Motion for Procedural Order Extending Time in Which to File Answering Brief; Certificate of Service for Motion for Procedural Order Extending Time in Which to File Answering Brief (Appellee ADES)
16.	8-Sep-2023	ORDERED: Motion for Procedural Order Extending Time in Which to File Answering Brief (Appellee ADES) = GRANTED and extending the time to file all answering briefs to 10/30/23. Barbara Vidal Vaught ProTem Judge - Author
17.	30-Oct-2023	FILED: Appellee Arizona Department of Economic Security's Answering Brief; Certificate of Compliance for Appellee Arizona Department of Economic Security's Answering Brief; Certificate of Service for Appellee Arizona Department of Economic Security's Answering Brief (Appellee ADES)
18.	6-Nov-2023	ORDERED: Upon filing of the reply brief, the court will submit this appeal for decision on the record and the filed briefs. Barbara Vidal Vaught ProTem Judge - Author
19.	17-Nov-2023	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
20.	21-Dec-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 2-28-24, 10:30 am, COURTROOM 1.
21.	29-Dec-2023	FILED: Notice of Oral Argument
22.	5-Jan-2024	FILED: Appellant Carrie Martinez's Motion for Procedural Order Re: Continuance of Oral Argument; Certificate of Service for Appellant Carrie Martinez's Motion for Procedural Order Re: Continuance of Oral Argument; Declaration of Cassidy R. Kitterman, Esq. in Support of Appellant Carrie Martinez's Motion for Procedural Order Re: Continuance of Oral Argument (Appellant)
23.	9-Jan-2024	ORDERED: Appellant Carrie Martinez's Motion for Procedural Order Re: Continuance of Oral Argument (Appellant) = GRANTED/vacating the oral argument set for 2/28/24. FURTHER ORDERED: Resetting conference in this matter to 4/24/24 and setting oral argument on 4/24/24 at 9:30 in Courtroom 1. Hon Paul J McMurdie - Author
24.	23-Jan-2024	FILED: Return Receipt Re Oral Argument, signed by Cassidy R. Kitterman, on 1/9/24 (Appellant)
25.	26-Jan-2024	FILED: Return Receipt Re Oral Argument, signed by Emily Stokes, on 1/9/24 (Appellee)
26.	22-Feb-2024	FILED: ADES's Notice of Change of Counsel; ADES's Certificate of Service for Notice of Change of Counsel (Appellee ADES)
27.	17-Apr-2024	FILED: Stipulation to Dismiss Appeal and Motion to Vacate Oral Argument; Certificate of Service for Stipulation to Dismiss Appeal and Motion to Vacate Oral Argument (Appellee ADES)
28.	18-Apr-2024	ORDERED: Dismissing this appeal. The parties shall bear their own costs and attorney's fees. FURTHER ORDERED: vacating this matter's conference and oral argument set for 4/24/24. Hon Paul J McMurdie - Author
29.	18-Apr-2024	FILED: Letter, 4/18/24, Certified Copy of Order dismissing appeal. No physical record to be returned to clerk, ADES Appeals Board.

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**Unemployment Board**

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