

Court of Appeals, Division One

Civil Appeal

1 CA-CV 24-0484

STITH v. BELLA VITA HEALTH, et al.

Appellate Case Information

Case Filed: 1-Jul-2024

Case Closed:

Dept/Composition

Department F

Hon. Jennifer M Perkins
Hon. James B Morse Jr.
Hon. D Steven Williams

Side 1. PEGGY STITH, Plaintiff/Appellee

(Litigant Group) PEGGY STITH

- Peggy Stith

Co-Counsel for: Plaintiff/Appellee

Ilya Elana Lerma, Esq. (AZ Bar No. 19573)
Alejandro Blanco, Esq. (CA Bar No. 133073)
Brian Sutherland, Esq. (CA Bar No. 248486)
Michael von Loewenfeldt, Esq. (CA Bar No. 178665)

Side 2. BELLA VITA HEALTH & REHABILITATION CENTER, et al., Defendant/Appellant

(Litigant Group) BELLA VITA HEALTH & REHABILITATION CENTER, et al.

- Bella Vita Health & Rehabilitation Center
Glendale Healthcare Associates LLC

Co-Counsel for: Defendants/Appellants

Eileen Dennis GilBride, Esq. (AZ Bar No. 9220)
Michael J Ryan, Esq. (AZ Bar No. 17467)
Michael S Redhair, Esq. (AZ Bar No. 18578)
Nichole Cullen, Esq. (AZ Bar No. 28140)

CASE STATUS

Jul 6, 2026.....Decision Rendered

Table with 6 columns: PREDECESSOR CASE (S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2016-050619, Vulnerable Adult, Melissa Iyer Julian, Authoring Judge of Order.

2 OPEN DUE DATES

Motion for Reconsideration Due Due By: Tuesday, July 21, 2026
Re: OPINION (Reversed) Hon James B Morse Jr. - Author; Hon Jennifer M Perkins - Concur; Hon D Steven Williams - Dissent

Petition for Review to ASC Due Due By: Wednesday, August 5, 2026
Re: OPINION (Reversed) Hon James B Morse Jr. - Author; Hon Jennifer M Perkins - Concur; Hon D Steven Williams - Dissent

CASE DECISION

06-Jul-2026 OPINION

James Morse Jr.....Author
Jennifer Perkins.....Concur
D Williams.....Dissent

Filed: 06-Jul-2026 Mandate:

Table with 1 column: Decision Disposition. Row 1: Reversed

46 PROCEEDING ENTRIES

- 1. 27-Jun-2024 FILED: Additional Record on Appeal: Physical Exhibits HEaring Date 9/6/16 List and # 1, 2, 3, 4, 5, 6, 7 in Manila Envelope Hearing Date 10/30/23 List and # 76, 85, 92, 164 in Manila Envelope
2. 1-Jul-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/29/24 and Notice of Appeal from Maricopa County Superior Court filed 8/22/24 in the Supplemental Record
3. 1-Jul-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: Hearing Date 10/30/23 1, 3, 5, 6, 19, 22, 27, 28, 29, 30, 36, 38, 40, 44, 50, 52, 54, 59, 61, 63, 64, 66, 68, 70, 72, 75, 77, 80, 81, 84, 88, 97, 100, 101, 104, 106, 107, 108, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 141, 144, 153, 156, 162, 163 103 Part 1, 103 Part 2, 103 Part 3, 101 Part 1, 101 Part 2, 101 Part 3, 101 Part 4
4. 1-Jul-2024 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 11-Jul-2024 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
6. 15-Jul-2024 FILED: Case Management Statement (Appellant)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 24-0484****STITH v. BELLA VITA HEALTH, et al.****46 PROCEEDING ENTRIES**

7.	18-Jul-2024	RECEIPT No.: 2024-00691 ; \$280.00, Authorization: #00003582707 , Applied to: BELLA VITA HEALTH & REHABILITATION CENTER, et al. - Class A Filing Fee (\$280.00) Paid for: Jones Skelton & Hochuli PLC - By nCourt LLC
8.	19-Jul-2024	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
9.	19-Jul-2024	FILED: Settlement Conference Program Notice
10.	31-Jul-2024	FILED: Plaintiff's Motion to Associate Counsel Pro-Hac Vice: Re Brian Sutherland P241442 Pro Hac Application # 1015246; Certificate of Service (Appellee)
11.	31-Jul-2024	FILED: Plaintiff's Motion to Associate Counsel Pro-Hac Vice: Re: Michael Von Loewenfeldt P241573 Pro Hac Application # 1015284; Certificate of Service (Appellee)
12.	31-Jul-2024	ORDERED: Plaintiff's Motion to Associate Counsel Pro-Hac Vice: Re Brian Sutherland P241442 Pro Hac Application # 1015246 (Appellee) = GRANTED and permitting attorneys Brian Sutherland and Michael Von Loewenfeldt of Complex Appellate Litigation Group LLP to appear pro hac vice as co-counsel for appellee with Ilya E. Lerma of Law Office of Ilya E. Lerma as local counsel. Melina Brill ProTem Judge - Author
13.	5-Aug-2024	RECEIPT No.: 2024-00774 ; \$140.00, Authorization: #18017270287 , Applied to: PEGGY STITH - Class B Filing Fee (\$140.00) Paid for: Law Office of Ilya E Lerma Esq LLC - By nCourt LLC
14.	7-Aug-2024	FILED: Joint Motion to Stay Appeal and Remand; Certificate of Service (Appellant)
15.	8-Aug-2024	ORDERED: Joint Motion to Stay Appeal and Remand (Appellant) = GRANTED. FURTHER ORDERED: Staying appeal until 09/09/2024, revesting jurisdiction in superior court and authorizing that court to consider a motion to correct the judgment. FURTHER ORDERED: If superior court enters a Ruld 54(b) judgment, appellants must file timely notice of appeal from that judgment. FURTHER ORDERED: Directing appellants to file status report by 09/10/2024, if notice pursuant to previous paragraph is not filed before that date. FURTHER ORDERED: Vacating 08/30/2024 due date for opening brief. Court will set due date for the opening brief after stay is lifted. Melina Brill ProTem Judge - Author
16.	23-Aug-2024	FILED: Appellants' Notice of Status; Certificate of Service (Appellant)
17.	23-Aug-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Rule 54(B) Judgment filed 8/19/2024 and Notice of Appeal filed 8/22/2024)
18.	26-Aug-2024	ORDERED: Lifting stay of this appeal. FURTHER ORDERED: Opening brief is due by 09/25/2024. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
19.	19-Sep-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
20.	23-Sep-2024	FILED: Defendant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
21.	24-Oct-2024	FILED: Plaintiff-Appellee Peggy Stith's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
22.	24-Oct-2024	FILED: Untitled (State Bar of Arizona Pro Hac Application); The State Bar of California Certificate of Standing; Application for Appearance Pro Hac Vice (Appellee)
23.	30-Oct-2024	RECEIPT No.: 2024-01069 ; \$140.00, Authorization: 04011365957 , Applied to: PEGGY STITH - Overpayment Class B (\$140.00) Paid for: Complex Appellate Litigation Group LLP - By nCourt LLC (Memo: Duplicate Payment. Refund Needed)
24.	6-Nov-2024	FILED: Unopposed Motion for Procedural Order for Extension of Time to File Reply Brief; Certificate of Service (Appellant)
25.	6-Nov-2024	ORDERED: Unopposed Motion for Procedural Order for Extension of Time to File Reply Brief (Appellant) = GRANTED and extending the time to file the reply brief from 11/13/2024 to 12/03/2024. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
26.	14-Nov-2024	FILED: Letter dated 11/14/2024 to Complex Appellate Litigant Group, LLP from Court re: enclosing check # 114252 in the amount of \$140 for refund of monies submitted in error
27.	3-Dec-2024	FILED: Request for Oral Argument; Certificate of Service (Appellant)
28.	3-Dec-2024	FILED: Defendant/Appellant's [sic] Reply Brief; Certificate of Compliance; Certificate of Service (Appellants)
29.	19-Dec-2024	ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author
30.	6-Jan-2025	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
31.	13-Jan-2025	FILED: Plaintiff-Appellee Peggy Stith's Request Regarding Scheduling of Oral Argument; Certificate of Service (Appellee)
32.	13-Jan-2025	FILED: State Bar of Arizona Pro Hac Vice Notice; Certificate of Good Standing; Application for Appearance Pro Hac Vice (Appellee)
33.	16-Jan-2025	FILED: Supplemented Superior Court e-Record with Revised Index of Record
34.	27-Jan-2025	CLNDR: MONTHLY COURT CASE CALENDAR, Department F, 3-27-25, 09:30 am, COURTROOM 2.
35.	26-Feb-2025	FILED: Notice of Oral Argument

**Court of Appeals, Division One**

**Civil Appeal**

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**46 PROCEEDING ENTRIES**

36.	26-Feb-2025	FILED: Return Receipt for Notice of Oral Argument, signed by Michael J Ryan on 02/26/2025 (Appellant)
37.	26-Feb-2025	FILED: Return Receipt for Notice of Oral Argument, signed by Eileen Dennis GilBride (Michael Ryan arguing) on 02/26/2025 (Appellant)
38.	28-Feb-2025	FILED: Return Receipt for Notice of Oral Argument, signed by Brian A Sutherland on 02/28/2025 (Appellee)
39.	28-Feb-2025	FILED: Certificate of Service (Appellee)
40.	28-Feb-2025	FILED: Untitled (Courtesy Copy of Pro Hac Vice Application); Certificate of Good Standing (Courtesy Copy); Application for Appearance Pro Hac Vice (Courtesy Copy) (Appellee)
41.	27-Mar-2025	FILED: Sign-in Sheet/Case is Under Advisement as of 03/27/2025
42.	2-Apr-2025	FILED: Plaintiff-Appellee Peggy Stith's Supplemental Brief in Response to Authority Referenced by the Court at Argument; Certificate of Compliance; Certificate of Service (Appellee)
43.	2-Apr-2025	FILED: Notice of Receipt of Complete Application (Courtesy Copy); Certificate of Good Standing (Courtesy Copy); Application for Appearance Pro Hac Vice (Courtesy Copy) (Appellee)
44.	15-Apr-2025	FILED: Defendant's Response to Plaintiff's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellant)
45.	6-Jul-2026	OPINION (Reversed) Hon James B Morse Jr. - Author; Hon Jennifer M Perkins - Concur; Hon D Steven Williams - Dissent
46.	6-Jul-2026	FILED: Decision Distribution Notification