

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0425

PEREZ v. CIRCLE K

Appellate Case Information

Case Filed: 7-Jul-2022

Case Closed:

Dept/Composition

Department A

Hon. Samuel A Thumma
Hon. Randall M Howe
Hon. Anni Hill Foster

Side 1. ROXANNE PEREZ, Plaintiff/Appellant

(Litigant Group) ROXANNE PEREZ

- Roxanne Perez

Co-Counsel for: Plaintiff/Appellant

David L Abney, Esq. (AZ Bar No. 9001)
Timothy G Tonkin, Esq. (AZ Bar No. 20709)
Nasser Usama Abujbarah, Esq. (AZ Bar No. 26182)
Kevin Valdez, Esq. (AZ Bar No. 34663)

Side 2. CIRCLE K CONVENIENCE STORES, INC., Defendant/Appellee

(Litigant Group) CIRCLE K CONVENIENCE STORES INC

- Circle K Convenience Stores Inc

Attorneys for: Defendant/Appellee

Wade R Causey, Esq. (AZ Bar No. 12084)

CASE STATUS

May 13, 2024...Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2020-010129, Premises Liability, Joan M Sinclair, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-24-0104-PR

CASE DECISION

09-Apr-2024 OPINION

Anni Foster.....Author
Samuel Thumma.....Concur
Randall Howe.....Special Concurrence

Filed: 09-Apr-2024 Mandate:

Decision Disposition

Affirmed

32 PROCEEDING ENTRIES

- 1. 7-Jul-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/08/22
2. 7-Jul-2022 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 7-Jul-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 19-Jul-2022 RECEIPT No.: 2022-00777 ; \$280.00, Check Number: #1152, Applied to: ROXANNE PEREZ - Class A Filing Fee (\$280.00) Paid for: - By Phillips Law Group PC
5. 20-Jul-2022 FILED: Case Management Statement (Appellant)
6. 20-Jul-2022 FILED: Motion for Oral Argument; Certificate of Service for Motion for Oral Argument (Appellant)
7. 20-Jul-2022 FILED: Reporter's Transcript - 03/18/2022 - Oral Argument (Michele Kaley) (Appellant)
8. 29-Jul-2022 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
9. 5-Aug-2022 RECEIPT No.: 2022-00830 ; \$140.00, Check Number: #014216, Applied to: CIRCLE K CONVENIENCE STORES INC - Class B Filing Fee (\$140.00) Paid for: The Sorenson Law Firm LLC - By The Sorenson Law Firm LLC
10. 8-Aug-2022 FILED: Response to Motion for Oral Argument; Certificate of Service (Appellee)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 22-0425****PEREZ v. CIRCLE K****32 PROCEEDING ENTRIES**

11.	10-Aug-2022	FILED: Reply in Support of Motion for Oral Argument; Certificate of Service for Reply in Support of Motion for Oral Argument (Appellant)
12.	6-Sep-2022	FILED: Opening Brief; Certificate of Compliance for Opening Brief; Certificate of Service for Opening Brief (Appellant)
13.	21-Oct-2022	FILED: Answering Brief of Defendant/Appellee Circle K Convenience Stores, Inc.; Certificate of Compliance [sic]; Certificate of Service
14.	21-Oct-2022	FILED: Notice of Attachment of Unreported Decision; Certificate of Service; Attachment "1" (Appellee)
15.	10-Nov-2022	FILED: Reply Brief; Certificate of Compliance for Reply Brief; Certificate of Service for Reply Brief (Appellant)
16.	22-Nov-2022	ORDERED: Motion for Oral Argument (Appellant); Response to Motion for Oral Argument (Appellee); Reply in Support of Motion for Oral Argument (Appellant) = GRANTED. Hon Kent E Cattani - Author
17.	30-Nov-2022	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
18.	9-Dec-2022	FILED: Supplemented Superior Court e-Record with Revised Index of Record
19.	5-Jan-2023	CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 2-21-23, 10:00 am, COURTROOM 2.
20.	10-Jan-2023	FILED: Notice of Oral Argument
21.	11-Jan-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Wade Causey on 01/10/2023 (Appellee)
22.	18-Feb-2023	FILED: Return Receipt for Notice of Oral Argument, signed by David L. Abney on 01/11/2023 (Appellant)
23.	21-Feb-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 02/21/2023
24.	9-Apr-2024	OPINION (Affirmed) Hon Anni Hill Foster - Author; Hon Samuel A Thumma - Concur; Hon Randall M Howe - Special Concurrence
25.	9-Apr-2024	FILED: Decision Distribution Notification
26.	12-Apr-2024	FILED: Statement of Costs; Certificate of Service (Appellee)
27.	24-Apr-2024	FILED: Plaintiff/Appellant's Motion for Reconsideration (Oral Argument Requested); Certificate of Compliance for Plaintiff/Appellant's Motion for Reconsideration; Certificate of Service for Plaintiff/Appellant's Motion for Reconsideration (Appellant)
28.	29-Apr-2024	ORDERED: Plaintiff/Appellant's Motion for Reconsideration (Oral Argument Requested) (Appellant) = DENIED. In denying the motion for reconsideration, Judge Howe continues to view the proper basis for the grant of summary judgment as a lack of disputed material issues of fact on breach, not duty as reflected in the majority. Hon Anni Hill Foster - Author
29.	29-Apr-2024	ORDERED: Statement of Costs (Appellee) = GRANTED and awarding costs in the amount of \$160.10 to Defendant/Appellee and against Plaintiff/Appellant. Hon Anni Hill Foster - Author
30.	30-Apr-2024	FILED: Notice of Change of Firm Affiliation and Address; Certificate of Service (Appellee)
31.	12-May-2024	FILED: Email Notice from ASC re: Petition for Review filed 05/12/2024; request for partial record
32.	13-May-2024	FILED: Letter forwarding partial record to Arizona Supreme Court