

**Court of Appeals, Division One**  
**Civil - Settlement Conference**

**1 CA-CV 22-0466 SC**

**GIBSON v. TORRES**

**Appellate Case Information**

Case Filed: 28-Jul-2022

Case Closed:

**Dept/Composition**

**Side 1. In re the Matter of the Estate of**

**THOMAS E. GIBSON,**

**Deceased.**

**DAVID GIBSON, Defendant/Appellee**

**(Litigant Group) DAVID GIBSON**

- David Gibson

**Attorneys for: Defendant/Appellee**

Bryan F Murphy, Esq. (AZ Bar No. 6414)

**Side 2. NILZA TORRES, Plaintiff/Appellant**

**(Litigant Group) NILZA TORRES**

- Nilza Torres

**Attorneys for: Plaintiff/Appellant**

Aaron Thomas Martin, Esq. (AZ Bar No. 28358)

**Side 3. BERT L. ROOS, Intervenor**

**(Litigant Group) BERT L. ROOS**

- Bert L Roos  
AZ Bar No. 6960  
[Current Member]  
Admitted 10/17/81

PRO SE

**CASE STATUS**

Jun 17, 2024....Decision Rendered

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR PB2020-001391	Petition for Appointment of Special Administrator		Thomas Marquoit, Authoring Judge of Order		

**CASE DECISION**

**17-Jun-2024 ORDER**

ORDERED: Stipulation for Dismissal of Appeal with Prejudice (Appellee) = Granting the motion, lifting the stay and dismissing this appeal.

Filed: **17-Jun-2024** Mandate:

Decision Disposition

**Dismissed**

Melina Brill.....Author

**54 PROCEEDING ENTRIES**

- 28-Jul-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/29/22
- 28-Jul-2022 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None sent with e-Record
- 28-Jul-2022 FILED: Additional Record on Appeal: Physical Exhibits: Hearing Date 8/23/21 List and # 2, 7, 9, 12, 13, 14, 20 in Manila Envelope
- 29-Jul-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 12-Aug-2022 FILED: Notice of Payment of Appellant Filing Fee; Notice of Paying Filing Fee for Appellant Certificate of Service (Appellant)
- 18-Aug-2022 RECEIPT No.: 2022-00876 ; \$280.00, Authorization: #30005303722, Applied to: NILZA TORRES - Class A Filing Fee (\$280.00) Paid for: Bert L Roos PC - By nCourt LLC
- 21-Aug-2022 FILED: Motion To Extend Time To File Case Management Statement; Certificate of Service (Appellant)

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8. 23-Aug-2022 ORDERED: Motion To Extend Time To File Case Management Statement (Appellant) = GRANTED. Due date EXTENDED from Thursday, 08-18-2022 to Friday, 08-26-2022. If case management statement is not timely filed, court will consider imposing sanctions, which may include dismissing appeal. See ARCAP 25. Opening brief remains due 09/27/2022. Melina Brill ProTem Judge - Author
9. 26-Aug-2022 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
10. 26-Aug-2022 FILED: Case Management Statement (Appellant)
11. 12-Sep-2022 FILED: Letter dated 09/12/2022 from Counsel for Appellee Re: Appellee's Filing Fee (Appellee)
12. 15-Sep-2022 RECEIPT No.: 2022-00978 ; \$140.00, Authorization: #58006812234, Applied to: DAVID GIBSON - Class B Filing Fee (\$140.00) Paid for: Burch & Cracchiolo PA - By nCourt LLC
13. 19-Sep-2022 FILED: Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
14. 20-Sep-2022 ORDERED: Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 09-27-2022 to Thursday, 10-27-2022. If brief is not timely filed, court will dismiss appeal. Melina Brill ProTem Judge - Author
15. 19-Oct-2022 FILED: Stipulation to Remand the Special Administrator's Request for Order Approving Distribution of Assets to Beneficiaries to the Trial Court and Request to Extend Time for Submission of Opening Brief; Certificate of Service (Appellee)
16. 21-Oct-2022 ORDERED: Stipulation to Remand the Special Administrator's Request for Order Approving Distribution of Assets to Beneficiaries to the Trial Court and Request to Extend Time for Submission of Opening Brief (Appellee) = GRANTED and staying this appeal until 12/05/2022. FURTHER ORDERED: Revesting jurisdiction in MAR County Superior Court and authorizing that court to consider pending Request for Order Approving Distribution of Assets to Beneficiaries. FURTHER ORDERED: Directing appellant to file notice in this court with copy of ruling within 10 days after entry. FURTHER ORDERED: If a party wants this court to review any additional rulings, that party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: If superior court has not ruled on motion by 12/05/2022, appellant must file notice in this court regarding status of the motion. FURTHER ORDERED: Vacating 10/27/2022 due date for opening brief. Court will address briefing schedule after superior court rules on pending motion. Melina Brill ProTem Judge - Author
17. 5-Dec-2022 FILED: Notice Regarding Status of Pending Motion before the Superior Court; Certificate of Service (Appellant)
18. 7-Dec-2022 ORDERED: Notice Regarding Status of Pending Motion before the Superior Court (Appellant) = GRANTED and continuing the stay of this appeal until 1/20/23 for the purposes set forth in this court's 10/21/22 stay order. FURTHER ORDERED within 10 days of this order, appellant shall file a motion in the superior court with this order attached requesting a ruling on the motion. FURTHER ORDERED that the stay will be lifted automatically on 1/20/23 unless before that date appellant files a motion to continue the stay of the appeal. FURTHER ORDERED within 10 days after the superior court rules on the motion, appellant must file a notice in this court with the ruling attached. FURTHER ORDERED if a party wants this court to review any additional rulings, that party must file a timely notice of appeal or amended notice of appeal. Melina Brill ProTem Judge - Author
19. 31-Jan-2023 ORDERED: Extending the time until 02/09/2023, for appellant to file a notice concerning the Request for Order Approving Distribution of Assets to Beneficiaries. FURTHER ORDERED: The opening brief is due on 03/01/2023. If the opening brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
20. 10-Feb-2023 FILED: Motion to Continue Stay; Certificate of Service (Appellant)
21. 13-Feb-2023 ORDERED: Motion to Continue Stay (Appellant) = GRANTED and continuing the stay of this appeal until 03/15/2023, for the purposes set forth in this court's 10/21/2022 stay order. FURTHER ORDERED: The stay will be lifted automatically on 03/15/2023, unless before that date appellant files a motion to continue the stay of the appeal that describes the status of the Request for Order Approving Distribution of Assets to Beneficiaries. FURTHER ORDERED: Within 10 days after the superior court rules on the motion, appellant must file a notice in this court with the ruling attached. The court will set a due date for the opening brief after the superior court rules on the motion. FURTHER ORDERED: If a party wants this court to review any additional rulings, that party must file a timely notice of appeal or amended notice of appeal. Melina Brill ProTem Judge - Author
22. 14-Mar-2023 FILED: Motion To Continue Stay Of Appeal; Certificate of Service (Appellant)
23. 16-Mar-2023 ORDERED: Motion To Continue Stay Of Appeal (Appellant) = GRANTED and continuing the stay of this appeal until 05/01/2023, for the purposes set forth in this court's 10/21/2022 stay order. FURTHER ORDERED: The stay will be lifted automatically on 05/01/2023, unless before that date appellant files a motion to continue the stay of the appeal that describes the status of the Request for Order Approving Distribution of Assets to Beneficiaries. FURTHER ORDERED: Within 10 days after the superior court rules on the motion, appellant must file a notice in this court with the ruling attached. The court will set a due date for the opening brief after the superior court rules on the motion. FURTHER ORDERED: If a party wants this court to review any additional rulings, that party must file a timely notice of appeal or amended notice of appeal. Barbara Vidal Vaught - Author
24. 27-Apr-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
25. 1-May-2023 FILED: Notice Regarding Status of Ruling on Motion before the Superior Court; Notice Ruling on Pending Motion before the Superior Court Certificate of Service (Appellant)

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26. 2-May-2023 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: The opening brief is due on 06/02/2023. Melina Brill ProTem Judge - Author
27. 26-May-2023 FILED: Motion to Extend Time to File Opening Brief; Notice of Filing Motion to Extend Time to File Opening Brief Certificate of Service (Appellant)
28. 30-May-2023 ORDERED: Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 06-02-2023 to Monday, 07-03-2023. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
29. 23-Jun-2023 FILED: Request for Alternative [sic] Dispute Resolution Conference by Stipulation and Request to Extend Time to File Opening Brief; Notice of Filing Request for Alternative [sic] Dispute Resolution Conference by Stipulation and Request to Extend Time to File Opening Brief Certificate of Service (Appellant)
30. 26-Jun-2023 ORDERED: Request for Alternative [Sic] Dispute Resolution Conference by Stipulation and Request to Extend Time to File Opening Brief (Appellant) = DENIED without prejudice to a request made pursuant to court policy. Barbara Vidal Vaught ProTem Judge - Author
31. 27-Jun-2023 ORDERED: Assigning this appeal to the settlement conference program. FURTHER ORDERED: Staying this appeal pending further order of the court and vacating the 07/03/2023 due date for the opening brief. Barbara Vidal Vaught ProTem Judge - Author
32. 20-Jul-2023 ORDERED: Setting the telephonic assessment conference for 08/09/2023, at 2:00 p.m., with Judge Paul J. McMurdie. Melina Brill ProTem Judge - Author
33. 21-Jul-2023 ORDERED: Vacating the telephonic assessment conference scheduled for 08/09/2023, and resetting it for 09/06/2023, at 1:30 p.m. Melina Brill ProTem Judge - Author
34. 7-Sep-2023 (ORDERED:) Setting an in-person Settlement Conference on 11/17/2023 at 10:00 a.m. FURTHER ORDERED: Settlement conference statement due by 10/06/2023. Hon Paul J McMurdie - Author
35. 5-Oct-2023 ORDERED: Extending the time for each party to submit a settlement conference statement from 10/06/2023 to 10/20/2023. Hon Paul J McMurdie - Author
36. 23-Oct-2023 ORDERED: Extending the time for appellant to submit her settlement conference statement from 10/20/2023 to 10/23/2023. Hon Paul J McMurdie - Author
37. 26-Oct-2023 ORDERED: Setting an additional telephonic assessment conference for 11/07/2023 at 11:00 a.m., with Judge McMurdie. Hon Paul J McMurdie - Author
38. 7-Nov-2023 ORDERED: Vacating the settlement conference scheduled for 11/17/2023. FURTHER ORDERED: Appellant's counsel must file a motion to withdraw as counsel of record with the clerk of the court by 11/17/2023. After the court rules on the motion, the court intends to consider this appeal for inclusion in the court's pro bono program. FURTHER ORDERED: Continuing the stay of this appeal. Hon Paul J McMurdie - Author
39. 13-Nov-2023 FILED: Motion to Withdraw as Attorney for Appellant with Consent and Request for Appointment of Pro Bono Attorney for Appellant; Notice of Filing Motion to Withdraw as Attorney for Appellant With Consent and Request for Appointment of Pro Bono Attorney for Appellant Certificate of Service (Appellant)
40. 14-Nov-2023 ORDERED: Motion to Withdraw as Attorney for Appellant with Consent and Request for Appointment of Pro Bono Attorney for Appellant (Appellant) = GRANTED. FURTHER ORDERED: Directing the clerk of the court to send this order to appellant personally. FURTHER ORDERED: Continuing the stay of this appeal pending further order of the court. Melina Brill ProTem Judge - Author
41. 15-Nov-2023 ORDERED: Placing this appeal in the Court's pro bono program. After the Pro Bono Coordinator identifies a volunteer attorney, the attorney will contact appellant to discuss and agree on the terms of the representation. FURTHER ORDERED: Any objection to the appointment of pro bono counsel for appellant must be filed in writing by 11/27/2023. FURTHER ORDERED: Pro bono counsel must file a notice of appearance by 12/27/2023. FURTHER ORDERED: Continuing the stay of this appeal pending further order of the Court. Hon David B Gass - Author
42. 15-Dec-2023 ORDERED: Extending the time for pro bono counsel to file a notice of appearance from 12/27/2023 to 01/26/2024. Melina Brill ProTem Judge - Author
43. 24-Jan-2024 FILED: Notice of Limited Appearance; Certificate of Service (Appellant)
44. 25-Jan-2024 ORDERED: Appointing Aaron T. Martin of Martin Law and Mediation PLLC as pro bono counsel to represent appellant for purposes of a settlement conference in this appeal only. FURTHER ORDERED: Directing the clerk of the court to amend the record to reflect the above pro bono counsel of record. FURTHER ORDERED: Setting a telephonic conference for 01/31/2024, at 11:00 a.m., with Judge Paul J. McMurdie (see order). Melina Brill ProTem Judge - Author
45. 13-Feb-2024 (ORDERED:) Setting in-person settlement conference on 04/09/2027 at 9:00 a.m. Hon Paul J McMurdie - Author

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46. 15-Feb-2024 FILED: Application to Intervene and Motion to Continue Settlement Conference; Notice of Filing Application to Intervene and Motion to Continue Settlement Conference Certificate of Service (Intervenor)
47. 16-Feb-2024 FILED: Appellee's Notice of No Objection to Bert Roos's Application to Intervene & Motion to Continue Settlement Conference; Certificate of Service (Petitioner/Appellee)
48. 16-Feb-2024 ORDERED: Setting an additional telephonic assessment conference for 02/27/2024, at 11:00 a.m. (see order). Hon Paul J McMurdie - Author
49. 21-Feb-2024 RECEIPT No.: 2024-00180 ; \$140.00, Authorization: # 52011896624, Applied to: BERT L. ROOS - Class B Filing Fee (\$140.00) Paid for: BERT L. ROOS - By nCourt LLC
50. 27-Feb-2024 ORDERED: Vacating the settlement conference set for 04/09/2024. FURTHER ORDERED: Resetting in-person settlement conference to 04/16/2024 at 9:00 a.m. Hon Paul J McMurdie - Author
51. 6-Mar-2024 ORDERED: Application to Intervene and Motion to Continue Settlement Conference (Intervenor) = GRANTED without prejudice to any jurisdictional argument appellees may make in their answering brief regarding Mr. Roos's participation in the appeal. Hon Angela K Paton - Author
52. 16-Apr-2024 ORDERED: If the parties do not file a stipulated motion to dismiss this appeal by 06/17/2024, the court will lift the stay and return this appeal to the court's regular docket. Hon Paul J McMurdie - Author
53. 14-Jun-2024 FILED: Stipulation for Dismissal of Appeal with Prejudice; Certificate of Service (Appellee)
54. 17-Jun-2024 ORDERED: Stipulation for Dismissal of Appeal with Prejudice (Appellee) = Granting the motion, lifting the stay and dismissing this appeal. Melina Brill ProTem Judge - Author