

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0508

ROEBUCK v. MAYO CLINIC, et al.

Appellate Case Information

Case Filed: 12-Aug-2022
Case Closed: 10-Sep-2024

Decision

Dept/Composition

Department F

Hon. Maria Elena Cruz
Hon. James B Morse
Hon. Daniel J Kiley

Side 1. ROBIN ROEBUCK, Plaintiff/Appellant

(Litigant Group) ROBIN ROEBUCK

- Robin Roebuck

Attorneys for: Plaintiff/Appellant

Robert M Gregory, Esq. (AZ Bar No. 21805)

Side 2. MAYO CLINIC, et al., Defendant/Appellee

(Litigant Group) MAYO CLINIC, et al.

- Mayo Clinic
- Mayo Clinic Arizona
- Mayo Clinic Hospital
- Nicole Secrest
- Robert Scott

Attorneys for: Defendants/Appellees

Vincent J Montell, Esq. (AZ Bar No. 14236)
Rita J Bustos, Esq. (AZ Bar No. 25956)
Samantha L Butler, Esq. (AZ Bar No. 24883)

CASE STATUS

Sep 11, 2024....Case Closed

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2021-090429	Medical Malpractice		Rodrick J Coffey, Authoring Judge of Order		

DESCENDENT CASE (S)

ASC CV-23-0262-PR

CASE DECISION

19-Sep-2023 **OPINION**

Maria Cruz.....Author
James Morse.....Concur
Daniel Kiley.....Concur

Filed: **19-Sep-2023** Mandate:

Decision Disposition
Reversed
Remanded

40 PROCEEDING ENTRIES

- 12-Aug-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/13/22
- 12-Aug-2022 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
- 16-Aug-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 16-Aug-2022 FILED: Appellant Robin Roebuck's Notice of Payment of Filing Fee; Appellant Robin Roebuck's Certificate of Service of Court Scheduling Order and Notice of Payment of Filing Fee (Appellant)
- 19-Aug-2022 RECEIPT No.: 2022-00888 ; \$280.00, Authorization: #31006515611, Applied to: ROBIN ROEBUCK - Class A Filing Fee (\$280.00) Paid for: Law Office of Robert M Gregory PC - By nCourt LLC
- 26-Aug-2022 ORDERED: (per Sorensen v. Farmers) staying appeal until 09/26/2022. Signed order with certification of finality pursuant to Rule 54(c) due within 10 days after its entry. If appeal reinstated by filing of signed order, case management statement due 10/06/2022, and opening brief due 10/26/2022. Melina Brill ProTem Judge - Author
- 26-Sep-2022 FILED: Appellant's Motion to Continue Stay of Appeal; Appellant's Certificate of Service re: Motion to Continue Stay of Appeal (Appellant)

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8. 28-Sep-2022 ORDERED: Appellant's Motion to Continue Stay of Appeal (Appellant) = GRANTED and continuing stay of appeal until 10/27/2022, for purposes set forth in this court's 08/26/2022 stay order. FURTHER ORDERED: Directing clerk of superior court to transmit certified copy of ruling within 10 days after entry, marked for filing in appeal. FURTHER ORDERED: Stay will be lifted automatically on 10/27/2022, unless before that date appellant files motion to continue stay. If appellant does not file motion to continue stay and superior court has not entered signed Rule 54(c) judgment, court will dismiss appeal. FURTHER ORDERED: If this court has received signed Rule 54(c) judgment before 10/27/2022, case management statement due 11/07/2022, and opening brief due 11/28/2022. Melina Brill ProTem Judge - Author
9. 1-Nov-2022 FILED: Case Management Statement (Appellant)
10. 2-Nov-2022 ORDERED: Directing appellant to file notice in this court by 11/14/2022, indicating whether the superior court entered a Rule 54(c) judgment. If the judgment was entered, appellant shall attach the judgment to the notice. If a notice is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
11. 12-Nov-2022 FILED: Appellant's Motion to Continue Stay of Appeal; Appellant Robin Roebuck's Certificate of Service of Motion to Continue Stay of Appeal (Appellant)
12. 15-Nov-2022 ORDERED: Appellant's Motion to Continue Stay of Appeal (Appellant) = GRANTED and continuing stay of this appeal until 12/14/2022, for purposes set forth in this court's 08/26/2022 stay order. FURTHER ORDERED: Authorizing and directing superior court to rule on appellant's motion. FURTHER ORDERED: Directing clerk of superior court to transmit a certified copy of ruling within 10 days after entry, marked for filing in this appeal. FURTHER ORDERED: Stay will be lifted automatically on 12/14/2022, unless before that date appellant files a motion to continue stay. If appellant does not file a motion to continue stay and superior court has not entered a signed Rule 54(c) judgment, this court will dismiss this appeal. FURTHER ORDERED: If this court has received a signed Rule 54(c) judgment before 12/14/2022, case management statement due 12/27/2022, and opening brief due 01/13/2023. Melina Brill ProTem Judge - Author
13. 15-Nov-2022 FILED: Notice of Court's Order with Rule 54(c) Finality Language; Appellant Robin Roebuck's Certificate of Service of Court's Order with Rule 54(c) Finality Language (Appellant)
14. 16-Nov-2022 ORDERED: Taking no action on the notice (Notice of Court's Order with Rule 54(c) Finality Language). Melina Brill ProTem Judge - Author
15. 21-Nov-2022 FILED: Order Re: Judgment with Rule 54(c) Finality Language; Appellant Robin Roebuck's Certificate of Service of Court's Order with Rule 54(c) Finality Language (Appellant)
16. 2-Dec-2022 FILED: Supplemented Superior Court e-Record with Revised Index of Record
17. 19-Dec-2022 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
18. 11-Jan-2023 FILED: Appellant's Opening Brief; Appellant's Certificate of Compliance; Appellant's Certificate of Service (Appellant)
19. 17-Jan-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee)
20. 23-Jan-2023 RECEIPT No.: 2023-00077 ; \$140.00, Authorization: #23007934163, Applied to: MAYO CLINIC, et al. - Class B Filing Fee (\$140.00) Paid for: Quintairos Prieto Wood & Boyer PA - By nCourt LLC
21. 21-Feb-2023 FILED: Answering Brief of Appellees; Certificate of Compliance for Answering Brief; Certificate of Service for Answering Brief (Appellee)
22. 10-Mar-2023 FILED: Appellant's Reply Brief; Appellant's Certificate of Compliance; Appellant's Certificate of Service (Appellant)
23. 15-Mar-2023 FILED: Appellees Request For Oral Argument; Certificate Of Service For Appellees Request For Oral Argument (Appellee)
24. 31-Mar-2023 ORDERED: Appellees Request For Oral Argument (Appellee) = GRANTED. Hon Kent E Cattani - Author
25. 3-Apr-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
26. 13-Apr-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
27. 27-Apr-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department F, 6-22-23, 09:30 am, COURTROOM 2.
28. 28-Apr-2023 FILED: Notice of Oral Argument
29. 5-May-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Robert Gregory on 04/28/2023 (Appellant)
30. 9-May-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Rita Bustos on 04/28/2023 (Appellee)
31. 31-May-2023 ORDERED: Vacating the oral argument currently set for 06/22/2023 at 9:30 a.m. The case will be conferenced on 06/22/2023, without oral argument, and a decision will be issued in due course. Hon Maria Elena Cruz - Author

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40 PROCEEDING ENTRIES

32. 19-Sep-2023 OPINION (Reversed, Remanded) Hon Maria Elena Cruz - Author; Hon James B Morse Jr. - Concur; Hon Daniel J Kiley - Concur
33. 19-Sep-2023 FILED: Opinion Distribution List
34. 23-Oct-2023 FILED: Email Notice from ASC re: Petition for Review filed 10/19/2023; request for partial record
35. 23-Oct-2023 FILED: Letter forwarding partial record to Arizona Supreme Court
36. 28-Nov-2023 FILED: ASC Order filed 11/28/2023 re: granting a first extension of time to file any Amicus Briefs on or before 12/19/2023.
37. 13-Dec-2023 FILED: ASC Order filed 12/13/2023 re: granting the Motion of the Arizona Association for Justice/Arizona Trial Lawyers Association for Leave to File Amicus Curiae Brief
38. 28-Dec-2023 FILED: ASC Order filed 12/28/2023 re: granting a first extension of time to file any responses to amicus briefs on or before 01/22/2024.
39. 10-Sep-2024 FILED: Letter from ASC, 09/10/2024, re: Petition for Review GRANTED as to Issue 1 only on 09/10/2024. FURTHER ORDERED: The case shall be set for oral argument. FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 09/30/2024. Any amicus briefs are due on or before 10/15/2024 and any responses to amicus briefs are due on or before 11/04/2024. Any amicus briefs or responses may not exceed 20 pages in length.
40. 11-Sep-2024 FILED: Copy of Letter forwarding complete record to ASC