

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0530

MAUNEY, et al. v. KHAN, et al.

Appellate Case Information

Case Filed: 25-Aug-2022

Case Closed:

Dept/Composition

Department F

Hon. Maria Elena Cruz
Hon. Samuel A Thumma
Hon. Andrew M Jacobs

Side 1. JACKSON R. MAUNEY, et al., Plaintiff/Appellant

(Litigant Group) JACKSON R. MAUNEY, et al.

- Jackson R Mauney
Betsy T Mauney
Thad Mauney

Attorneys for: Plaintiffs/Appellants

Jenna Bailey, Esq. (AZ Bar No. 29333)

Side 2. NAVED KHAN, et al., Defendant/Appellee

(Litigant Group) NAVED KHAN

- Naved Khan

Attorneys for: Defendant/Appellee N. Khan

Matthew L Cates, Esq. (AZ Bar No. 19700)
Eileen Dennis GilBride, Esq. (AZ Bar No. 9220)

(Litigant Group) BARJINDER BHULLAR

- Barjinder Birsingh Bhullar

Attorneys for: Defendant/Appellee Bhullar

Eileen Dennis GilBride, Esq. (AZ Bar No. 9220)
Bruce D Crawford, Esq. (AZ Bar No. 9061)

(Litigant Group) BANNER HEALTH

- Banner Desert Medical Center

Attorneys for: Defendant/Appellee Banner

Robin E Burgess, Esq. (AZ Bar No. 15330)

CASE STATUS

Sep 10, 2024....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2019-015581, Medical Malpractice, Jay R Adleman, Authoring Judge of Order.

3 OPEN DUE DATES

Response to Costs due Due By: Tuesday, September 24, 2024

Re: FILED: Verified Statement of Costs; Certificate of Service (Appellees Khan and Bhullar)

Motion for Reconsideration due Due By: Wednesday, September 25, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Samuel A Thumma - Author; Hon Maria Elena Cruz - Concur; Hon Andrew M Jacobs - Concur

Petition for Review to ASC due Due By: Thursday, October 10, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Samuel A Thumma - Author; Hon Maria Elena Cruz - Concur; Hon Andrew M Jacobs - Concur

PENDING MATTER

General Motion Filed: 10-Sep-2024

Verified Statement of Costs (Appellees Khan and Bhullar)

CASE DECISION

10-Sep-2024 MEMORANDUM DECISION

Samuel Thumma.....Author
Maria Cruz.....Concur
Andrew Jacobs.....Concur

Filed: 10-Sep-2024 Mandate:

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

Court of Appeals, Division One**Civil Appeal****1 CA-CV 22-0530****MAUNEY, et al. v. KHAN, et al.****39 PROCEEDING ENTRIES**

1. 25-Aug-2022 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/27/22, and the Second Notice of Appeal from Maricopa County Superior Court in Supplemental.
2. 25-Aug-2022 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 25-Aug-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 29-Aug-2022 FILED: Supplemented Superior Court e-Record with Revised Index of Record
5. 9-Sep-2022 FILED: Appellants' Notice of Payment of Filing Fee; Appellants' Certificate of Service of Notice of Payment of Filing Fee (Appellant)
6. 12-Sep-2022 FILED: Motion for Procedural Order to Stay Appeal Pending Supreme Court Decision; Appellants' Certificate of Service of Motion for Procedural Order to Stay Appeal Pending Supreme Court Decision; Proposed Order (Appellant)
7. 14-Sep-2022 RECEIPT No.: 2022-00963 ; \$280.00, Authorization: #57003746141, Applied to: JACKSON R. MAUNEY, et al. - Class A Filing Fee (\$280.00) Paid for: Bailey Law Firm PLLC - By nCourt LLC
8. 14-Sep-2022 FILED: Case Management Statement (Appellant)
9. 14-Sep-2022 FILED: Appellants' Certificate of Service of Case Management Statement (Appellant)
10. 14-Sep-2022 FILED: Appellants' Notice of Filing Transcript of Proceedings; Appellants' Certificate of Service of Notice of Filing Transcript of Proceedings; Reporter's Transcript - 05/04/2022 - Oral Arguments (Jacob Ruleaux) (Appellant)
11. 14-Sep-2022 FILED: Appellee Khan's Notice of No Objection to Plaintiffs/Appellants' Motion for Procedural Order to Stay Appeal; Appellee Khan's Certificate of Service of Filing Notice of No Objection to Plaintiffs/Appellants' Motion for Procedural Order to Stay Appeal (Appellee Khan)
12. 14-Sep-2022 FILED: Appellee Bhullar's Filing of No Objection to Plaintiffs/Appellants' Motion for Procedural Order to Stay Appeal; Appellee Certificate of Service of Filing No Objection to Appellants' Motion for Procedural Order to Stay Appeal (Appellee Bhullar)
13. 21-Sep-2022 FILED: Appellate Clerk Notice re: Appellee Banner's Fee; Appellant's Brief Due
14. 21-Sep-2022 ORDERED: Motion for Procedural Order to Stay Appeal Pending Supreme Court Decision (Appellant) = GRANTED and staying appeal until after Arizona Supreme Court issues decision in CV-21-0288-PR. Within 10 calendar days after Arizona Supreme Court issues decision, appellants shall file written notice of decision in appeal. FURTHER ORDERED: Vacating 10/24/2022 due date for opening brief. Court will set due date for opening brief after it receives written notice of decision in CV-21-0288-PR. Melina Brill ProTem Judge - Author
15. 21-Sep-2022 RECEIPT No.: 2022-01003 ; \$140.00, Authorization: #64004956447, Applied to: NAVED KHAN - Class B Filing Fee (\$140.00) Paid for: Jennings Strouss & Salmon PLC - By nCourt LLC
16. 21-Sep-2022 RECEIPT No.: 2022-01004 ; \$140.00, Authorization: #64004956447, Applied to: BARJINDER BHULLAR - Class B Filing Fee (\$140.00) Paid for: Crawford & Kline PLC - By nCourt LLC
17. 21-Nov-2023 FILED: Notice of Change of Address (Appellee Khan)
18. 21-Nov-2023 FILED: Certificate of Service of Filing Notice of Change of Address (Appellee Khan)
19. 21-Dec-2023 FILED: Notice of Arizona Supreme Court Decision; Certificate of Service (Appellant)
20. 26-Dec-2023 ORDERED: Lifting stay of this appeal. FURTHER ORDERED: Opening brief due 01/26/2024. Barbara Vidal Vaught ProTem Judge - Author
21. 11-Jan-2024 FILED: Notice of Association of Counsel; Certificate of Service (Appellee Khan)
22. 26-Jan-2024 FILED: (Untitled) Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
23. 2-Feb-2024 FILED: Unopposed Motion for Procedural Order to Stay Appeal and Remand; Certificate of Service (Appellee Khan & Bhullar)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 22-0530****MAUNEY, et al. v. KHAN, et al.****39 PROCEEDING ENTRIES**

24. 5-Feb-2024 ORDERED: Unopposed Motion for Procedural Order to Stay Appeal and Remand (Appellees Khan & Bhullar) = GRANTED and staying this appeal until 3/6/24. FURTHER ORDERED: revesting jurisdiction in the Maricopa County Superior Court and authorizing that court to consider a motion for a signed judgment with Rule 54(c) finality language. FURTHER ORDERED: Appellants must file a motion asking the superior court to enter a signed judgment with Rule 54(c) language. FURTHER ORDERED: if the superior court has not entered a signed Rule 54(c) judgment by 3/6/24, appellants must file a motion to continue the stay of this appeal that describes the status of the matter. FURTHER ORDERED Directing the Clerk of the Maricopa County Superior Court to transmit a certified copy of the ruling within 10 days after entry, marked for filing in this appeal. The stay will be lifted automatically when the court receives the signed Rule 54(c) judgment. FURTHER ORDERED: Answering briefs are due by 4/5/24. If the briefs are not timely filed, this court will submit this appeal for decision on the record and filed briefs. Melina Brill ProTem Judge - Author
25. 6-Mar-2024 FILED: Motion for Procedural Order to Continue Stay of Appeal; Certificate of Service (Appellant)
26. 7-Mar-2024 ORDERED: Motion for Procedural Order to Continue Stay of Appeal (Appellant) = GRANTED and continuing the stay of this appeal until 04/05/2024, for the purposes set forth in this court's 02/05/2024 stay order. FURTHER ORDERED: The answering briefs are due by 05/06/2024. If the briefs are not timely filed, this court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
27. 5-Apr-2024 FILED: Motion for Procedural Order to Continue Stay of Appeal; Certificate of Service (Appellants)
28. 8-Apr-2024 ORDERED: Motion for Procedural Order to Continue Stay of Appeal (Appellant) = GRANTED and continuing the stay of this appeal until 05/06/2024, for the purposes set forth in this court's 02/05/2024 stay order. FURTHER ORDERED: The answering briefs are due by 06/06/2024. If the briefs are not timely filed, this court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
29. 26-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes Copy of Maricopa County Superior Court Order dated 04/17/2024 re: Judgment in Favor of Barjinder Bir-Singh Bhullar, M.D.)
30. 3-May-2024 FILED: Defendants' Answering Brief; Certificate of Compliance; Certificate of Service (Appellee Bhullar & N. Khan)
31. 23-May-2024 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
32. 11-Jun-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
33. 13-Jun-2024 FILED: Notice of Substitution of Counsel within the Firm; Certificate of Service (Appellee Bhullar)
34. 21-Jun-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
35. 25-Jun-2024 CLNDR: CONFERENCE, Department F, 8-21-24, CONFERENCE ROOM.
36. 3-Aug-2024 FILED: Notice of Change of Law Firm; Certificate of Service (Appellee Bhullar)
37. 10-Sep-2024 MEMORANDUM DECISION (Affirmed) Hon Samuel A Thumma - Author; Hon Maria Elena Cruz - Concur; Hon Andrew M Jacobs - Concur
38. 10-Sep-2024 FILED: Decision Distribution Notification
39. 10-Sep-2024 FILED: Verified Statement of Costs; Certificate of Service (Appellees Khan and Bhullar)