

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 22-0709**

**MEDINA v. CHEE, et al.**

**Appellate Case Information**

Case Filed: 28-Nov-2022

Case Closed:

**Dept/Composition**

**Department C**

Hon. D Steven Williams  
Hon. Samuel A Thumma  
Hon. Paul J McMurdie

**Side 1. CLAUDIA MEDINA, duly appointed Personal Representative of the Estates of Carlos Mario Pena Jaramillo; Soraida Delgado Sierra; Juliana Pena Delgado; and Manuela Pena Delgado, Plaintiff/Appellant**

(Litigant Group) CLAUDIA MEDINA, duly appointed Personal Representative of the Estates of Carlos Mario Pena Jaramillo; Soraida Delgado Sierra; Juliana Pena Delgado; and Manuela Pena Delgado

- Claudia Medina

**Attorneys for: Plaintiff/Appellant**

Robert B Carey, Esq. (AZ Bar No. 11186)

Michella Kras, Esq. (AZ Bar No. 22324)

**Side 2. The Estate of Javas Jaysean Cody, The Estate of Aaron Chee; MARTINA GRANDSON, an unmarried woman; SENTRY INSURANCE COMPANY f/k/a Sentry Insurance a Mutual Company, Defendant/Appellee**

(Litigant Group) THE ESTATE OF AARON CHEE

- The Estate of Aaron Chee

**Attorneys for: Defendant/Appellee Chee**

James E Ledbetter, Esq. (AZ Bar No. 12788)

Mark A Hanson, Esq. (AZ Bar No. 24922)

(Litigant Group) MARTINA GRANDSON

- Martina Grandson

**Attorneys for: Defendant/Appellee Grandson**

Marc A Appel, Esq. (AZ Bar No. 10759)

(Litigant Group) JEFFERSON CODY

- Jefferson Cody

**Attorneys for: Defendant/Appellee Cody**

Colin Bradley, Esq. (AZ Bar No. 31632)

(Litigant Group) SENTRY INSURANCE COMPANY

- Sentry Insurance Company

**Attorneys for: Defendant/Appellee Sentry**

Gena L Sluga, Esq. (AZ Bar No. 18633)

Susan M Freeman, Esq. (AZ Bar No. 4199)

**Side 3. NAVAJO NATION, Amicus Curiae**

(Litigant Group) NAVAJO NATION

- Navajo Nation

**Attorneys for: Amicus Curiae**

Sage Metoxen, Esq. (AZ Bar No. 30707)

**CASE STATUS**

Oct 5, 2023.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
CON S0300CV202000641	Negligence		Ted Stuart Reed, Authoring Judge of Order		
CON S0300CV202100003					

**DESCENDENT CASE(S)**

ASC CV-23-0273-PR

**OPEN DUE DATE**

Petition for Review to ASC due

**Due By:**

Monday, November 6, 2023

Re: OPINION (Affirmed) Hon D Steven Williams - Author; Hon Samuel A Thumma - Concur; Hon Paul J McMurdie - Concur

Court of Appeals, Division One

Civil Appeal

1 CA-CV 22-0709

MEDINA v. CHEE, et al.

CASE DECISION

05-Oct-2023 OPINION

D Williams.....Author
Samuel Thumma.....Concur
Paul McMurdie.....Concur

Filed: 05-Oct-2023

Mandate:

Decision Disposition

Affirmed

52 PROCEEDING ENTRIES

- 1. 24-Oct-2022 FILED: Copy of Clerk's Affidavit of Service of Notice of Appeal filed in Coconino County Superior Court on 10/19/2022
2. 24-Oct-2022 FILED: Copy of Clerk's Notice to Counsel and/or Parties re: Notice of Appeal filed in Coconino County Superior Court on 10/19/2022
3. 28-Nov-2022 FILED: Index of Record, Notice of Appeal from Coconino County Superior Court filed 10/19/22
4. 28-Nov-2022 FILED: e-Record on Appeal: (S0300Cv202000641) Instruments/Minute Entries Exhibits: Hearing Date 6/17/22 1, 2, 3, 4, 5 Hearing Date 6/20/22 1, 2, 3, 4, 5 Hearing Date 6/23/22 1 Hearing Date 7/12/22 A, 1, 16 Hearing Date 7/14/22 1 Hearing Date 7/26/22 1, 16 Hearing Date 8/1/22 1 Part 1 Part 2, 2, 29, 33 37 Part 1 of 2 39 Part 1 of 2 38, 39, 44, 44 Part 2 45, 37 part 2 of 2 Hearing Date 8/11/22 22 Hearing date 8/17/22 1, 16, 22 Hearing Date 9/6/22 1, 2, 3, 4, 5, Hearing Date 10/11/22 1
5. 28-Nov-2022 FILED: e-Record on Appeal:(S0300CV202100003) Instruments/Minute Entries Exhibits: None
6. 29-Nov-2022 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
7. 12-Dec-2022 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
8. 15-Dec-2022 RECEIPT No.: 2022-01253 ; \$280.00, Authorization: #49009162052, Applied to: CLAUDIA MEDINA, duly appointed Personal Representa - Class A Filing Fee (\$280.00) Paid for: Hagens Berman PLLC - By nCourt LLC
9. 19-Dec-2022 FILED: Case Management Statement (Appellant)
10. 22-Dec-2022 FILED: Appellate Clerk Notice re: Appellees' Fees; Appellant's Brief Due
11. 27-Dec-2022 FILED: Notice of Appearance; Certificate of Service (Appellee Sentry)
12. 3-Jan-2023 RECEIPT No.: 2023-00003 ; \$140.00, Authorization: #03014272241, Applied to: SENTRY INSURANCE COMPANY - Class B Filing Fee (\$140.00) Paid for: Lewis Roca Rothgerber Christie LLP - By
13. 3-Jan-2023 RECEIPT No.: 2023-00006 ; \$140.00, Authorization: #03014272241, Applied to: SENTRY INSURANCE COMPANY - Class B Filing Fee (\$140.00) Paid for: Lewis Roca Rothgerber Christie LLP - By nCourt LLC (Memo: X-REF: 2023-00003)
14. 3-Jan-2023 VOID RECEIPT No.: 2023-00003 - \$-140.00, Authorization: #03014272241, - Applied to: SENTRY INSURANCE COMPANY - Class B Filing Fee (\$-140.00) Paid for: Lewis Roca Rothgerber Christie LLP VOID Reason: x-ref 2023-00003 no paid by entered.alc
15. 8-Jan-2023 FILED: Defendant/Appellee Martina Grandson's Notice of Payment of Filing Fee; Defendant/Appellee Martina Grandson's Certificate of Service (Appellee Grandson)
16. 12-Jan-2023 RECEIPT No.: 2023-00048 ; \$140.00, Authorization: #12007471065, Applied to: MARTINA GRANDSON - Class B Filing Fee (\$140.00) Paid for: Appel Law Office PLLC - By nCourt LLC
17. 30-Jan-2023 FILED: Opening Brief of Appellant Claudia Medina; Certificate of Compliance; Certificate of Service (Appellant)
18. 7-Feb-2023 FILED: Designation of Additional Transcript for Record FILED on Appeal/Motion to Supplement Record; Certificate of Service (Appellee Sentry Insurance)
19. 7-Feb-2023 FILED: Notice of Filing Original Transcript; Certificate of Service (Appellee Sentry Insurance)
20. 7-Feb-2023 FILED: Reporter's Transcript - 08/15/2022 - Hearing (Kimberly McCright) (Appellee Sentry Insurance)
21. 24-Feb-2023 ORDERED: Designation of Additional Transcript for Record on Appeal/Motion to Supplement Record (Appellee Sentry Insurance) = GRANTED and supplementing the record on appeal with the transcript of the 08/15/2022 proceedings. Melina Brill ProTem Judge - Author

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 22-0709****MEDINA v. CHEE, et al.****52 PROCEEDING ENTRIES**

22. 13-Mar-2023 FILED: Answering Brief of Sentry Insurance Company; Certificate of Compliance; Certificate of Service (Appellee Sentry Insurance)
23. 22-Mar-2023 FILED: Memorandum: Technical Issues Impacting Electronic Filing (A. Wood)
24. 22-Mar-2023 FILED: Request for Oral Argument; Certificate of Service (Appellee Sentry)
25. 3-Apr-2023 ORDERED: Upon filing of the reply brief, this appeal will be submitted for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
26. 3-Apr-2023 FILED: Reply Brief of Appellant Claudia Medina; Certificate of Compliance; Certificate of Service (Appellant)
27. 24-Apr-2023 FILED: Motion to Extend Deadline to File Amicus Briefs; Certificate of Service (Appellant)
28. 24-Apr-2023 FILED: Motion for Leave to File Amicus Curiae Brief of the Navajo Nation; Certificate of Service (Amicus Curiae)
29. 24-Apr-2023 FILED: Amicus Brief of The Navajo Nation Filed with Written Consent of all Parties; Certificate of Compliance; Certificate of Service (Amicus Curiae)
30. 25-Apr-2023 FILED: Response to Appellant's Motion to Extend Deadline for Amicus Briefs; Certificate of Service (Appellee Sentry Insurance)
31. 26-Apr-2023 ORDERED: Motion to Extend Deadline to File Amicus Briefs (Appellant) = GRANTED and extending the time to file amicus curiae briefs to 05/15/2023. Melina Brill ProTem Judge - Author
32. 26-Apr-2023 ORDERED: Motion for Leave to File Amicus Curiae Brief of the Navajo Nation (Amicus Curiae) = GRANTED and accepting the amicus curiae brief of Navajo Nation filed on 04/24/2023. FURTHER ORDERED: Any party may file a response to the brief by 05/16/2023. Hon Kent E Cattani - Author
33. 28-Apr-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
34. 4-May-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (S0300CV202100003)
35. 5-May-2023 ORDERED: Request for Oral Argument (Appellee) = GRANTED. Hon Kent E Cattani - Author
36. 8-May-2023 FILED: Motion to Extend Deadline to File Response to Amicus Briefs; Certificate of Service (Appellant)
37. 9-May-2023 ORDERED: Motion to Extend Deadline to File Response to Amicus Briefs (Appellant) = GRANTED and extending the time to file a response to all amicus briefs to 06/12/2023. Melina Brill ProTem Judge - Author
38. 12-Jun-2023 FILED: Response to Amicus Brief of the Navajo Nation; Certificate of Compliance; Certificate of Service (Appellant)
39. 26-Jul-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 9-13-23, 09:30 am, COURTROOM 1.
40. 28-Jul-2023 FILED: Notice of Oral Argument
41. 31-Jul-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Michella Kras on 07/28/2023 (Appellant)
42. 2-Aug-2023 FILED: Notice of Change of Firm; Certificate of Service (Appellee Cody)
43. 4-Aug-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee Cody)
44. 9-Aug-2023 RECEIPT No.: 2023-00733 ; \$140.00, Authorization: #21007771252, Applied to: JEFFERSON CODY - Class B Filing Fee (\$140.00) Paid for: Zwilling Wulkan PLC - By nCourt LLC
45. 29-Aug-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Colin Bradley on 07/28/2023 (Appellee Cody)
46. 31-Aug-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Susan Freeman on 07/28/2023 (Appellee Sentry Insurance)
47. 11-Sep-2023 FILED: Notice of Disassociation of Counsel; Certificate of Service (Appellee Sentry Insurance)
48. 13-Sep-2023 FILED: Sign-in Sheet/Case is Under Advisement as of 09/13/2023
49. 5-Oct-2023 OPINION (Affirmed) Hon D Steven Williams - Author; Hon Samuel A Thumma - Concur; Hon Paul J McMurdie - Concur
50. 5-Oct-2023 FILED: Opinion Distribution List
51. 9-Oct-2023 FILED: Statement of Costs; Certificate of Service (Appellee Sentry Insurance Company)
52. 30-Oct-2023 ORDERED: Statement of Costs (Appellee Sentry Insurance Company) = GRANTED in the amount of \$374.00. Hon D Steven Williams - Author