

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0171

GARCIA, et al. v. DEALERS AUTO

Appellate Case Information

Case Filed: 29-Mar-2023

Case Closed:

Dept/Composition

Department D

Hon. David D Weinzweig
Hon. Michael S Catlett
Hon. Maria Elena Cruz

Side 1. DIANA PIMENTEL GARCIA, et al., Plaintiff/Appellant

(Litigant Group) DIANA PIMENTEL GARCIA, et al.

- Diana Pimentel Garcia
Abraham Martin Castro Ramos
Bihanca Luz Garcia Perez
Jose Martinez
Mark Anthony Wunderly
Josue Parra Bojorquez
Jason S Carlyle
Fredy Perez Vargas
Arely Lopez
Brandon Castillo
Federico Lopez Santos

Attorneys for: Plaintiffs/Appellants

Hyung S Choi, Esq. (AZ Bar No. 15669)
Veronika Fabian, Esq. (AZ Bar No. 18770)

Side 2. DEALERS AUTO AUCTION OF THE SOUTHWEST, LLC, Defendant/Appellee

(Litigant Group) DEALERS AUTO AUCTION OF THE SOUTHWEST, LLC

- Dealers Auto Auction of the Southwest LLC

Attorneys for: Defendant/Appellee

Dennis I Wilenchik, Esq. (AZ Bar No. 5350)
John D Wilenchik, Esq. (AZ Bar No. 29353)
Karl M Worthington, Esq. (AZ Bar No. 18703)

CASE STATUS

Jun 25, 2024....Pending Closure

Table with 6 columns: PREDECESSOR CASE (S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2021-091953, Tort Non Motor Vehicle, Roger E Brodman, Authoring Judge of Order.

DESCENDENT CASE (S)

ASC CV-24-0006-PR

OPEN DUE DATE

Stay Request (re: Writ of Certiorari) due

Due By: Wednesday, July 10, 2024

Re: FILED: Letter from ASC, 6/25/24, re: Petition for Review DENIED on 6/25/24. FURTHER ORDERED: Request for Attorneys' Fees (Appellants Garcia et al) = GRANTED.

CASE DECISION

21-Dec-2023 MEMORANDUM DECISION

Maria Cruz.....Author
David Weinzweig.....Concur
Michael Catlett.....Concur

Filed: 21-Dec-2023

Mandate:

Decision Disposition

Reversed
Remanded

33 PROCEEDING ENTRIES

1. 29-Mar-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/28/23

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2. 29-Mar-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 29-Mar-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 31-Mar-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
5. 6-Apr-2023 RECEIPT No.: 2023-00335 ; \$280.00, Authorization: 96004941055, Applied to: DIANA PIMENTEL GARCIA, et al. - Class A Filing Fee (\$280.00) Paid for: Choi & Fabian PLC - By nCourt LLC (Memo: x-ref 2023-00333 incorrect case info provided to receipt writer)
6. 11-Apr-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
7. 13-Apr-2023 FILED: Case Management Statement; Exhibit A (Appellant)
8. 20-Apr-2023 FILED: Notice of Payment of Appellee's Filing Fee; Certificate of Service of Defendant/Appellee's Notice of Payment of Filing Fee (Appellee)
9. 26-Apr-2023 RECEIPT No.: 2023-00386 ; \$140.00, Authorization: #16004758457, Applied to: DEALERS AUTO AUCTION OF THE SOUTHWEST, LLC - Class B Filing Fee (\$140.00) Paid for: Wilenchik & Bartness PC - By nCourt LLC
10. 30-May-2023 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
11. 28-Jun-2023 FILED: Motion for Procedural Order - Stipulation for Extension of Time to File Brief; Certificate of Service of Motion for Procedural Order - Stipulation for Extension of Time to File Brief (Appellee)
12. 29-Jun-2023 ORDERED: Motion for Procedural Order - Stipulation for Extension of Time to File Brief (Appellee) = GRANTED and extending the time to file the answering brief from 07/10/2023 to 08/09/2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Barbara Vidal Vaught ProTem Judge - Author
13. 8-Aug-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
14. 28-Aug-2023 FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
15. 12-Sep-2023 FILED: Appellee's Request for Oral Argument (Appellee)
16. 22-Sep-2023 ORDERED: Appellee's Request for Oral Argument (Appellee) = GRANTED. Hon David B Gass - Author
17. 27-Sep-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
18. 6-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
19. 25-Oct-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 12-6-23, 10:15 am, COURTROOM 2.
20. 30-Oct-2023 FILED: Notice of Oral Argument
21. 30-Oct-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Veronika Fabian on 10/30/2023 (Appellant)
22. 27-Nov-2023 FILED: Return Receipt for Notice of Oral Argument, signed by Karl Worthington on 11/27/2023 (Appellee)
23. 6-Dec-2023 FILED: Sign-in Sheet/Case is Under Advisement as of 12/06/2023
24. 21-Dec-2023 MEMORANDUM DECISION (Reversed, Remanded) Hon Maria Elena Cruz - Author; Hon David D Weinzweig - Concur; Hon Michael S Catlett - Concur
25. 21-Dec-2023 FILED: Memorandum Decision Distribution List
26. 5-Jan-2024 FILED: Application for Award of Attorneys' Fees and Costs; Certificate of Service (Appellant)
27. 11-Jan-2024 FILED: ASC Order extending the time to file a Petition for Review to 2/21/24
28. 22-Jan-2024 FILED: Appellee's Response to Application for Award of Attorneys' Fees and Costs; Certificate of Service (Appellees)
29. 29-Jan-2024 FILED: Reply Memorandum in Support of Application for Award of Attorneys' Fees and Costs; Certificate of Service (Appellant)
30. 6-Feb-2024 ORDERED: Application for Award of Attorneys' Fees and Costs (Appellant) = GRANTED in the amount of \$476.28 (Costs) and, in the exercise of the Court's discretion, granting Plaintiff/Appellants attorneys' fees in the amount of \$39,595. Hon Maria Elena Cruz - Author
31. 27-Feb-2024 FILED: Email Notice from ASC re: Petition for Review filed 2/21/24; request for partial record

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**33 PROCEEDING ENTRIES**

- 32. 27-Feb-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
- 33. 25-Jun-2024 FILED: Letter from ASC, 6/25/24, re: Petition for Review DENIED on 6/25/24. FURTHER ORDERED: Request for Attorneys' Fees (Appellants Garcia et al) = GRANTED.