

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0324

MLADICK v. BERRY

Appellate Case Information

Case Filed: 8-Jun-2023

Case Closed:

Dept/Composition

Side 1. JENNIFER MLADICK, Plaintiff/Appellee

(Litigant Group) JENNIFER MLADICK

- Jennifer Mladick

Attorneys for: Plaintiff/Appellee

Kurt E Hammond, Esq. (AZ Bar No. 12738)

Side 2. JAVAN BERRY, Defendant/Appellant

(Litigant Group) JAVAN BERRY

- Javan Berry

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CASE STATUS

Sep 3, 2024.....At Issue

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV 2022-006033, Wrongful Death, Richard F Albrecht, Authoring Judge of Order.

37 PROCEEDING ENTRIES

- 1. 8-Jun-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/11/23
2. 8-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 8-Jun-2023 ORDERED: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). Appellee's filing fee of \$140.00 is payable on or before 6/22/23 Appellant's Case Management Statement due 6/28/23 and Opening Brief due 8/7/23. FURTHER ORDERED: copy of this order to Arizona Department of Corrections, and copy of order and case management statement form to appellant personally. Amy M Wood - Author
4. 12-Jun-2023 ORDERED: Pursuant to Eaton Fruit Co. v. California Spray-Chemical Corp., staying appeal until 07/24/2023. Signed order re: minute entry of 04/13/2023 filed 04/13/2023 due within 10 days after its entry. If appeal reinstated by filing of signed order, case management statement due 08/03/2023 and opening brief due 08/23/2023. Melina Brill ProTem Judge - Author
5. 31-Jul-2023 FILED: Defendant's Motion to Continue Stay (Appellant Pro Per)
6. 2-Aug-2023 ORDERED: Defendant's Motion to Continue Stay (Appellant Pro Per) = GRANTED in part and continuing the stay of this appeal until 09/11/2023, for the purposes set forth in this court's 06/12/2023 stay order. FURTHER ORDERED: If this court has received a signed Rule 54(c) default judgment and a signed order before 09/11/2023, the case management statement is due on 09/21/2023, and the opening brief is due on 10/11/2023. Melina Brill ProTem Judge - Author
7. 18-Sep-2023 ORDERED: Directing appellant to file notice in this court by 10/02/2023, indicating whether the superior court entered a Rule 54(c) judgment and signed order. If the judgment and order were entered, appellant shall attach the judgment and order to the notice. If a notice is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
8. 2-Oct-2023 FILED: Defendants [sic] Notice of Rule 54(c) (Appellant Pro Per)
9. 4-Oct-2023 ORDERED: Continuing the stay of this appeal until 11/06/2023, for the purposes set forth in this court's 06/12/2023 stay order: for appellant to file a motion in superior court for a Rule 54(c) judgment corresponding to the 12/08/2022 default judgment and for a signed order corresponding to the 04/13/2023 minute entry ruling on the Rule 60 motion. FURTHER ORDERED: If this court has received a signed Rule 54(c) default judgment and a signed order before 11/06/2023, the case management statement is due on 11/16/2023, and the opening brief is due on 12/06/2023. Melina Brill ProTem Judge - Author
10. 30-Nov-2023 ORDERED: Continuing the stay of this appeal until 01/05/2024, for the purposes set forth in this court's 06/12/2023 stay order. FURTHER ORDERED: If this court has received a signed Rule 54(c) default judgment and a signed order before 01/05/2024, the case management statement is due on 01/16/2024, and the opening brief is due on 02/05/2024. Melina Brill ProTem Judge - Author
11. 29-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0324****MLADICK v. BERRY****37 PROCEEDING ENTRIES**

12. 5-Jan-2024 FILED: Defendant Motion to Continue Stay (Appellant Pro Per)
13. 5-Jan-2024 ORDERED: Defendant Motion to Continue Stay (Appellant Pro Per) = GRANTED and continuing the stay of this appeal until 02/05/2024, to allow the superior court to consider the motion for a Rule 54(c) judgment. FURTHER ORDERED: If this court has received a signed Rule 54(c) default judgment before 02/05/2024, the case management statement is due on 02/15/2024, and the opening brief is due on 03/06/2024. Melina Brill ProTem Judge - Author
14. 7-Feb-2024 FILED: Motion to Continue Stay (Appellant Pro Per)
15. 7-Feb-2024 FILED: Letter, 2/3/24, from Appellant to Court, requesting copy of transcript
16. 8-Feb-2024 ORDERED: Motion to Continue Stay (Appellant Pro Per) = GRANTED and continuing the stay of this appeal until 03/06/2024, to allow the superior court to consider the motion for a Rule 54(c) default judgment. FURTHER ORDERED: If this court has received a signed Rule 54(c) default judgment before 03/06/2024, the case management statement is due on 03/18/2024, and the opening brief is due on 04/08/2024. Melina Brill ProTem Judge - Author
17. 20-Feb-2024 FILED: Letter, 2/20/24, from Court to Appellant, enclosing copy of docket
18. 28-Mar-2024 ORDERED: Continuing the stay until 04/25/2024, to allow the superior court to consider appellant's 01/02/2024 motion for a Rule 54(c) judgment. FURTHER ORDERED: Appellant must file the case management statement by 05/06/2024, and the opening brief by 05/28/2024. If appellant does not file the case management statement and opening brief timely, the court will dismiss this appeal. Hon David B Gass - Author
19. 12-Apr-2024 FILED: Defonts [sic] Motion for Order to Compel Hon Richard Albrecht to Comply with Requirement of Rule 54 (c) (Appellant Pro Per)
20. 19-Apr-2024 FILED: Motion to Continue Stay (Appellant Pro Per)
21. 22-Apr-2024 FILED: Defonts [sic] Motion for Order to Compel Hon Richard Albrecht to Comply with Requirement of Rule 54 (c) (Duplicate) (Appellant Pro Per)
22. 30-Apr-2024 ORDERED: Defonts [sic] Motion for Order to Compel Hon Richard Albrecht to Comply with Requirement of Rule 54 (c) (Appellant Pro Per) = DENIED. FURTHER ORDERED: Motion to Continue Stay (Appellant Pro Per) = Continuing the stay until 05/30/2024, to allow the superior court to consider appellant's 01/02/2024 motion for a Rule 54 (c) judgment. Alternatively, the superior court may on its own enter a Rule 54 (c) judgment corresponding to the 12/08/2022 default judgment. FURTHER ORDERED: Appellant must file the case management statement by 06/10/2024, and the opening brief by 07/01/2024. If appellant does not file the case management statement and opening brief timely, the court will dismiss this appeal. Hon David B Gass - Author
23. 6-May-2024 FILED: Motion to Continue Stay (Appellant Pro Per)
24. 7-May-2024 ORDERED: Motion to Continue Stay (Appellant Pro Per) = DENIED and lifting the stay of this appeal. Melina Brill ProTem Judge - Author
25. 13-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
26. 13-May-2024 FILED: Defendants [sic] Case Management Report (Case Management Statement) (Appellant Pro Per)
27. 14-May-2024 FILED: Returned US Mail, Order Denying Motion to Continue Stay/Lifting Stay dated 05/07/2024, addressed to Appellant Pro Per, Not Known/Unable to Forward (Not Resent)
28. 16-May-2024 FILED: Defendants' Brief on Appeal (Opening Brief) (Appellant Pro Per)
29. 17-May-2024 FILED: (Untitled) Opening Brief (Appellant Pro Per)
[stricken per order filed 05/21/2024]
30. 21-May-2024 ORDERED: Striking the document ((Untitled) Opening Brief) filed on 05/17/2024. FURTHER ORDERED: The opening brief remains due by 07/01/2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
31. 30-May-2024 FILED: Opening Brief (Appellant Pro Per)
32. 2-Jul-2024 FILED: Appellee's Motion to Compel Copy of Appellant's Opening Brief and Request for Additional Time to File Answering Brief; Certificate of Service (Appellee)
33. 3-Jul-2024 ORDERED: Appellee's Motion to Compel Copy of Appellant's Opening Brief (Appellee) = GRANTED/Directing clerk of this court to mail a copy of the opening brief to appellee's counsel. FURTHER ORDERED: Directing appellant to serve appellee with all documents appellant subsequently files in this appeal and to file an accurate certificate of service. If appellant fails to comply with this order, court will consider imposing sanctions, including dismissing this appeal. FURTHER ORDERED: Request for Additional Time to File Answering Brief = GRANTED. Due date EXTENDED from Monday, 07-15-2024 to Tuesday, 08-27-2024. If brief is not timely filed, court will submit this appeal for decision on record and opening brief. Steven C Lawrence ProTem Judge - Author

Court of Appeals, Division One

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- 34. 8-Jul-2024 RECEIPT No.: 2024-00659 ; \$140.00, Authorization: #90021249825, Applied to: JENNIFER MLADICK - Class B Filing Fee (\$140.00) Paid for: Rudolph & Hammond LLC - By nCourt LLC
- 35. 15-Jul-2024 FILED: Certificate of Mailing (Appellant Pro Per)
- 36. 20-Aug-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
- 37. 3-Sep-2024 FILED: Appellant's Reply to Appellee's Answering Brief (Appellant Pro Per)