

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0345

POTTER v. HEREDIA, et al.

Appellate Case Information

Case Filed: 14-Jun-2023

Case Closed:

Dept/Composition

Department A

Hon. Angela K Paton
Hon. Michael S Catlett
Hon. James B Morse

Side 1. PHILLIP POTTER, an individual, Plaintiff/Appellant

(Litigant Group) PHILLIP POTTER

- Phillip Terry Potter

PRO SE

Side 2. CARMEN HEREDIA, in her official capacity as AHCCCS Director; and MERCY CARE, an Arizona nonprofit corporation, Defendant/Appellee

(Litigant Group) CARMEN HEREDIA, DIRECTOR OF AHCCCS

- Director, Arizona Health Care Cost Containment System, Carmen Heredia

Attorneys for: Defendant/Appellee AHCCS

Jathan P McLaughlin, Esq. (AZ Bar No. 28065)

Kelley M Jancaitis, Esq. (AZ Bar No. 25555)

(Litigant Group) MERCY CARE

- Mercy Care

Attorneys for: Defendant/Appellee Mercy Care

Timothy J Berg, Esq. (AZ Bar No. 4170)

Brett Gilmore, Esq. (AZ Bar No. 34598)

CASE STATUS

Jun 10, 2024....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2022-014146, Statutory Special Action, Katherine Cooper, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-24-0095-PR

CASE DECISION

09-Apr-2024 MEMORANDUM DECISION

James Morse.....Author

Angela Paton.....Concur

Michael Catlett.....Concur

Filed: 09-Apr-2024

Mandate:

Decision Disposition

Affirmed

46 PROCEEDING ENTRIES

- 1. 14-Jun-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/16/23
2. 14-Jun-2023 FILED: eRecord on Appeal: Instrument/Minute Entries Exhibits: None
3. 15-Jun-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 28-Jun-2023 FILED: Case Management Statement (Appellant Pro Per)
5. 3-Jul-2023 RECEIPT No.: 2023-00589 ; \$280.00, Authorization: #84009267470, Applied to: PHILLIP POTTER - Class A Filing Fee (\$280.00) Paid for: PHILLIP POTTER - By nCourt LLC
6. 5-Jul-2023 FILED: Notice of Errata Re Appellant's Case Management Statement; Certificate of Service (Appellee Mercy Care)
7. 6-Jul-2023 FILED: Notice of Order Granting Motion to Strike; Motion to Dismiss for Lack of Jurisdiction; Certificate of Service; Exhibit 1 (Copy of Maricopa County Superior Court Order dated 07/03/2023 re: Motion to Strike) (Appellee Mercy Care)
8. 6-Jul-2023 FILED: Motion to Vacate July 6, 2023 Trial Court Ruling to Strike the Notice of Appeal; Certificate of Service (Appellant Pro Per)

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9.	6-Jul-2023	FILED: Attachment 1-3 (Appellant)
10.	7-Jul-2023	FILED: Response to Notice of Order Granting Motion to Strike; Motion to Dismiss for Lack of Jurisdiction; Certificate of Service (Appellant Pro Per)
11.	7-Jul-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
12.	10-Jul-2023	FILED: Reply in Support of Motion to Dismiss for Lack of Jurisdiction and Reply to Motion to Vacate; Certificate of Service (Appellee)
13.	12-Jul-2023	RECEIPT No.: 2023-00619 ; \$140.00, Authorization: #93009284661, Applied to: MERCY CARE - Class B Filing Fee (\$140.00) Paid for: Fennemore Craig PC - By nCourt LLC
14.	13-Jul-2023	FILED: Joinder of Carmen Heredia in Appellee Mercy Care's Reply in Support of Motion to Dismiss for Lack of Jurisdiction and Reply to Motion to Vacate; Certificate of Service (Appellee Heredia)
15.	17-Jul-2023	FILED: Reply to Motion to Vacate 07/06/2023 Trial Court Ruling to Strike the Notice of Appeal; Certificate of Service (Appellant)
16.	17-Jul-2023	FILED: Attachments 1-3 (Appellant)
17.	20-Jul-2023	ORDERED: Notice of Order Granting Motion to Strike; Motion to Dismiss for Lack of Jurisdiction (Appellee Mercy Care) = DENIED. FURTHER ORDERED: Motion to Vacate July 6, 2023 Trial Court Ruling to Strike the Notice of Appeal (Appellant Pro Per) = DENIED as moot. FURTHER ORDERED: Denying all other relief requested in appellant's motion to vacate. FURTHER ORDERED: The opening brief shall be due on 08/21/2023. If the brief is not timely filed, the court will dismiss this appeal. Hon Michael J Brown - Author
18.	31-Jul-2023	FILED: Application for Substitution of Counsel; Certificate of Service (Appellee AHCCS)
19.	1-Aug-2023	ORDERED: Application for Substitution of Counsel (Appellee AHCCS) = GRANTED and substituting Jathan P. McLaughlin and Kelley M. Jancaitis of Broening Oberg Woods & Wilson, PC, as counsel for appellee Arizona Healthcare Cost Containment System in place of Logan T. Johnston of Johnston Law Offices, P.L.C. Melina Brill ProTem Judge - Author
20.	4-Aug-2023	RECEIPT No.: 2023-00723 ; \$140.00, Authorization: #16003688085, Applied to: CARMEN HEREDIA, DIRECTOR OF AHCCCS - Overpayment Class B (\$140.00) Paid for: Broening Oberg Woods & Wilson PC - By nCourt LLC
21.	11-Aug-2023	FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant Pro Per)
22.	14-Aug-2023	ORDERED: Motion for Extension of Time to File Opening Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Monday, 08-21-2023 to Wednesday, 09-20-2023. Melina Brill ProTem Judge - Author
23.	29-Aug-2023	FILED: Letter dated 08/29/2023 to Broening Oberg Woods & Wilson, P.C. from Court re: enclosing check # 113420 in the amount of \$140 for refund of monies submitted in error
24.	20-Sep-2023	FILED: Opening Brief; Certificate of Compliance; Certificate of Service; Reporter's Transcript - 03/17/2023 - Oral Argument (Kim Claeys) (Appellant Pro Per)
25.	17-Oct-2023	FILED: Motion for Procedural Order Extending Answering Brief Deadline; Certificate of Service (Appellee Mercy Care)
26.	18-Oct-2023	ORDERED: Motion for Procedural Order Extending Answering Brief Deadline (Appellee Mercy Care) = GRANTED. Due date EXTENDED from Monday, 10-30-2023 to Monday, 11-20-2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
27.	20-Nov-2023	FILED: Joint Answering Brief of Appellees Mercy Care and Carmen Heredia, in Her Official Capacity; Certificate of Compliance; Certificate of Service (Appellees Mercy Care and AHCCCS)
28.	29-Nov-2023	FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant Pro Per)
29.	6-Dec-2023	FILED: Request for Oral Argument; Certificate of Service (Appellant Pro Per)
30.	8-Dec-2023	ORDERED: Request for Oral Argument (Appellant Pro Per) = DENIED. Hon David B Gass - Author
31.	28-Dec-2023	FILED: Motion to Strike Answering Brief; Certificate of Service (Appellant Pro Per)
32.	29-Dec-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
33.	8-Jan-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
34.	10-Jan-2024	FILED: Joint Motion for Procedural Order Extending Response Memorandum Deadline; Certificate of Service; Exhibit 1 (Appellee)
35.	10-Jan-2024	FILED: Objection to Joint Motion for Procedural Order Extending Response Memorandum Deadline; Certificate of Service (Appellant Pro Per)

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1 CA-CV 23-0345

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36. 11-Jan-2024 ORDERED: Joint Motion for Procedural Order Extending Response Memorandum Deadline (Appellee) = GRANTED and extending the time to file a response (response to motion to strike answering brief) from 01/12/2024 to 01/30/2024. No further extension will be granted. Melina Brill ProTem Judge - Author
37. 26-Jan-2024 CLNDR: CONFERENCE, Department A, 3-19-24, COURTROOM 1.
38. 30-Jan-2024 FILED: Response to Motion to Strike Joint Answering Brief; Certificate of Service (Appellee AHCCS)
39. 1-Feb-2024 FILED: Reply to Motion to Strike Answering Brief; Certificate of Service (Appellant Pro Per)
40. 22-Feb-2024 FILED: Notice of Supplemental Authority; Certificate of Service (Appellee AHCCS)
41. 9-Apr-2024 ORDERED: Motion to Strike Answering Brief (Appellant Pro Per) = DENIED. Hon James B Morse Jr. - Author
42. 9-Apr-2024 MEMORANDUM DECISION (Affirmed) Hon James B Morse Jr. - Author; Hon Angela K Paton - Concur; Hon Michael S Catlett - Concur
43. 9-Apr-2024 FILED: Decision Distribution Notification
44. 2-May-2024 FILED: ASC Order filed 05/02/2024 re: extending time for filing Petition for Review to 06/10/2024
45. 10-Jun-2024 FILED: Email Notice from ASC re: Petition for Review filed 06/10/24; request for partial record
46. 12-Jun-2024 FILED: Letter forwarding partial record to Arizona Supreme Court