

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0398

MARTINEZ, et al. v. BLAKE

Appellate Case Information

Case Filed: 30-Jun-2023

Case Closed:

Dept/Composition

Department F

Hon. Daniel J Kiley
 Hon. Kent E Cattani
 Hon. D Steven Williams

Side 1. STACIE L. MARTINEZ and EDWARD MARTINEZ, a married couple, Plaintiff/Appellant/Cross-Appellee

(Litigant Group) STACIE L. MARTINEZ, et al.

- Stacie L Martinez
- Edward Martinez

Attorneys for: Plaintiffs/Appellants/Cross-Appellees

Marc A Kamin, Esq. (AZ Bar No. 16580)
 John Musacchio, Esq. (AZ Bar No. 37255)
 David L Abney, Esq. (AZ Bar No. 9001)

Side 2. HUBERT SCOTT BLAKE, Defendant/Appellee/Cross-Appellant

(Litigant Group) HUBERT SCOTT BLAKE

- Hubert Scott Blake

Attorneys for: Defendant/Appellee/Cross-Appellant

Shane P Dyet, Esq. (AZ Bar No. 24627)
 Andres Chagolla, Esq. (AZ Bar No. 36417)

CASE STATUS

May 17, 2024....Pending in ASC

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|----------------------|--------------------|-------------------|--|-------|-------|
| YAV P1300CV202100609 | Premises Liability | | John David Napper, Authoring Judge of Order | | |

DESCENDENT CASE(S)

ASC CV-24-0108-PR

CASE DECISION

11-Apr-2024 MEMORANDUM DECISION

D Williams.....Author
Daniel Kiley.....Concur
Kent Cattani.....Concur

Filed: **11-Apr-2024** Mandate:

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| Decision Disposition Affirmed in Part Vacated in Part Remanded in Part |
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37 PROCEEDING ENTRIES

- 30-Jun-2023 FILED: Index of Record, Notice of Appeal from Yavapai County Superior Court filed 06/07/23, Notice of Cross Appeal from Yavapai County Superior Court filed 6/27/23
- 30-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
- 3-Jul-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 6-Jul-2023 FILED: Reporter's Transcript - 05/09/2022 - Proceedings (Mina Hunt) (Appellant/Cross-Appellee)
[see order filed 07/07/2023]
- 6-Jul-2023 FILED: Reporter's Transcript - 10/31/2022 - Proceedings (Mina Hunt) (Appellant/Cross-Appellee)
- 6-Jul-2023 FILED: Reporter's Transcript - 01/04/2023 - Proceedings (Mina Hunt) (Appellant/Cross-Appellee)
- 7-Jul-2023 ORDERED: Directing appellant/cross-appellee to file a certified copy of the 05/09/2022 transcript by 07/14/2023. Barbara Vidal Vaught ProTem Judge - Author

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8. 10-Jul-2023 FILED: Reporter's Transcript - 05/09/2022 (Mina Hunt) (Appellant/Cross-Appellee)
9. 12-Jul-2023 RECEIPT No.: 2023-00620 ; \$280.00, Authorization: #3009284661, Applied to: STACIE L. MARTINEZ, et al. - Class A Filing Fee (\$280.00) Paid for: John Musacchio - By nCourt LLC
10. 17-Jul-2023 FILED: Appellate Clerk Notice Re: Appellee-Cross Appellant's Fee and Case Management Statement Due/Appellant-Cross Appellee's Brief Due
11. 20-Jul-2023 FILED: Appellants' Case Management Statement (Appellant/Cross-Appellee)
12. 31-Jul-2023 RECEIPT No.: 2023-00703 ; \$280.00, Check Number: #5630, Applied to: HUBERT SCOTT BLAKE - Cross-Appellant's Filing Fee (\$280.00) Paid for: - By O'Connor & Dyet PC
13. 16-Aug-2023 FILED: Appellee's Case Management Statement (Appellee/Cross-Appellant)
14. 1-Sep-2023 FILED: Request for Oral Argument; Certificate of Service (Appellant)
15. 1-Sep-2023 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
16. 11-Oct-2023 FILED: Request for Oral Argument; Certificate of Service (Appellee)
17. 11-Oct-2023 FILED: Defendant/Appellee/Cross-Appellant's Combined Answering / Cross-Appeal Opening Brief; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
18. 11-Oct-2023 FILED: Defendant/Appellee/Cross-Appellant's Combined Answering / Cross-Appeal Opening Brief (Duplicate); Certificate of Compliance (Duplicate); Certificate of Service (Duplicate) (Appellee/Cross-Appellant)
19. 13-Nov-2023 FILED: Amended Certificate of Service (Appellee/Cross-Appellant)
20. 21-Nov-2023 FILED: Plaintiffs'/Appellants'/Cross-Appellees' Combined Reply/Answering Brief; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
21. 11-Dec-2023 FILED: Defendant/Appellee/Cross-Appellant's Cross-Appeal Reply Brief; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
22. 5-Jan-2024 ORDERED: Request for Oral Argument (Appellant) and Request for Oral Argument (Appellee) = GRANTED. Hon David B Gass - Author
23. 26-Jan-2024 CLNDR: MONTHLY COURT CASE CALENDAR, Department F, 3-21-24, 09:30 am, COURTROOM 1.
24. 29-Jan-2024 FILED: Notice of Oral Argument
25. 30-Jan-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Andres Chagolla on 01/29/2024 (Appellee/Cross-Appellant)
26. 31-Jan-2024 FILED: Return Receipt for Notice of Oral Argument, signed by John Musacchio on 01/29/2024 (Appellant/Cross-Appellee)
27. 15-Mar-2024 FILED: Appellee/Cross-Appellant's Notice of Supplemental Authority; Appellee/Cross-Appellant's Notice of Supplemental Authority (Duplicate) (Appellee/Cross-Appellant)
28. 21-Mar-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 03/21/2024
29. 10-Apr-2024 FILED: Appellee/Cross-Appellant's Notice of Supplemental Authority; Certificate of Service (Appellee/Cross Appellant)
30. 10-Apr-2024 FILED: Certificate of Service (Duplicate) (Appellee/Cross-Appellant)
31. 11-Apr-2024 MEMORANDUM DECISION (Affirmed in Part, Vacated in Part, Remanded in Part) Hon D Steven Williams - Author; Hon Daniel J Kiley - Concur; Hon Kent E Cattani - Concur
32. 11-Apr-2024 FILED: Decision Distribution Notification
33. 15-Apr-2024 FILED: Notice of Appearance of Attorney David L. Abney; Certificate of Service for Notice of Appearance of Attorney David L. Abney (Appellant/Cross-Appellee)
34. 26-Apr-2024 FILED: Motion for Reconsideration; Certificate of Compliance for Motion for Reconsideration; Certificate of Service for Motion for Reconsideration (Appellant)
35. 2-May-2024 ORDERED: Motion for Reconsideration (Appellant) = DENIED. Hon D Steven Williams - Author
36. 17-May-2024 FILED: Email Notice from ASC re: Petition for Review filed 05/17/24; request for partial record
37. 20-May-2024 FILED: Letter forwarding partial record to Arizona Supreme Court

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