

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0520

FONG v. CITY OF PHOENIX, et al.

Appellate Case Information

Case Filed: 17-Aug-2023

Case Closed:

Dept/Composition

Department F

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

Side 1. ELLEN FONG, Plaintiff/Appellant

(Litigant Group) ELLEN FONG

- Ellen Fong

Attorneys for: Plaintiff/Appellant

Thomas J Shorall, Jr, Esq. (AZ Bar No. 10456)

Scott M Zerlaut, Esq. (AZ Bar No. 14714)

Side 2. CITY OF PHOENIX, et al., Defendant/Appellee

(Litigant Group) CITY OF PHOENIX, et al.

- City of Phoenix

Attorneys for: Defendant/Appellee Phoenix

Jessica J Kokal, Esq. (AZ Bar No. 29042)

Jonathan Yenhing Yu, Esq. (AZ Bar No. 32238)

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

(Litigant Group) TRAFFICADE SERVICES, INC.

- Trafficade Services Inc

Attorneys for: Defendant/Appellee Trafficade

Daniel J O'Connor, Esq. (AZ Bar No. 10081)

Travis B Hill, Esq. (AZ Bar No. 21133)

Andres Chagolla, Esq. (AZ Bar No. 36417)

CASE STATUS

Jul 23, 2024.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE (S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2021-013212, Negligence, Joan M Sinclair, Authoring Judge of Order.

DESCENDENT CASE (S)

ASC CV-24-0158-PR

CASE DECISION

06-Jun-2024 OPINION

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

Filed: 06-Jun-2024 Mandate:

Decision Disposition

Reversed

43 PROCEEDING ENTRIES

- 1. 17-Aug-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/19/23
2. 17-Aug-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 17-Aug-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 17-Aug-2023 FILED: Notice of Appearance; Certificate of Service (Appellee City of Phoenix)
5. 17-Aug-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
6. 22-Aug-2023 FILED: Case Management Statement (Appellant)
7. 23-Aug-2023 RECEIPT No.: 2023-00802 ; \$280.00, Authorization: #35009191254, Applied to: ELLEN FONG - Class A Filing Fee (\$280.00) Paid for: Shorall McGoldrick Zerlaut - By nCourt LLC

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8. 25-Aug-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
9. 30-Aug-2023 RECEIPT No.: 2023-00829 ; \$140.00, Check Number: 5653, Applied to: TRAFFICADE SERVICES, INC. - Class B Filing Fee (\$140.00) Paid for: O'Connor & Dyet PC - By O'Connor & Dyet PC
10. 13-Oct-2023 FILED: Ellen Fong's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
11. 13-Oct-2023 FILED: Appendix to Opening Brief (part 1 of 8) (Appellant)
12. 13-Oct-2023 FILED: Appendix to Opening Brief (part 2 of 8) (Appellant)
13. 13-Oct-2023 FILED: Appendix to Opening Brief (part 3 of 8) (Appellant)
14. 13-Oct-2023 FILED: Appendix to Opening Brief (part 4 of 8) (Appellant)
15. 13-Oct-2023 FILED: Appendix to Opening Brief (part 5 of 8) (Appellant)
16. 13-Oct-2023 FILED: Appendix to Opening Brief (Revised) (Appellant)
17. 13-Oct-2023 FILED: Appendix to Opening Brief (part 1 of 8) (Revised) (Appellant)
18. 13-Oct-2023 FILED: Appendix to Opening Brief (part 6 of 8) (Appellant)
19. 13-Oct-2023 FILED: Appendix to Opening Brief (part 7 of 8) (Appellant)
20. 13-Oct-2023 FILED: Appendix to Opening Brief (part 8 of 8) (Appellant)
21. 2-Nov-2023 FILED: Unopposed Motion for Procedural Order to Extend Time to File Answering Brief; Certificate of Service (Appellee Phoenix)
22. 2-Nov-2023 ORDERED: Unopposed Motion for Procedural Order to Extend Time to File Answering Brief (Appellee Phoenix) = GRANTED and extending the time to file all answering briefs from 11/22/2023 to 12/06/2023. If the briefs are not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
23. 5-Dec-2023 FILED: Joint Answering Brief of Defendants/Appellees City of Phoenix & Trafficade Service, LLC; Certificate of Compliance; Certificate of Service (Appellees City of Phoenix and Trafficade)
24. 6-Dec-2023 FILED: Unopposed Motion for Procedural Order to Extend the Time to File Reply Brief; Certificate of Service (Appellant)
25. 7-Dec-2023 ORDERED: Unopposed Motion for Procedural Order to Extend the Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 12-26-2023 to Friday, 01-12-2024. If the brief is not timely filed, the court will submit this appeal for decision on the record and the filed briefs. Melina Brill ProTem Judge - Author
26. 11-Jan-2024 FILED: Ellen Fong's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
27. 17-Jan-2024 FILED: Defendant/Appellee City of Phoenix's Request for Oral Argument; Certificate of Service (Appellee Phoenix)
28. 30-Jan-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
29. 9-Feb-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
30. 14-Feb-2024 ORDERED: Defendant/Appellee City of Phoenix's Request for Oral Argument (Appellee Phoenix) = GRANTED. Hon David B Gass - Author
31. 26-Feb-2024 CLNDR: MONTHLY COURT CASE CALENDAR, Department F, 4-11-24, 09:30 am, COURTROOM 1.
32. 26-Feb-2024 FILED: Notice of Oral Argument
33. 27-Feb-2024 FILED: Return Receipt Re Oral Argument, signed by Thomas Shorrall, on 2/26/24 (Appellant)
34. 1-Mar-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Jonathan Yu on 02/26/2024 (Appellee City of Phoenix)
35. 3-Apr-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Travis Hill on 02/26/2024 (Appellee Trafficade)
36. 11-Apr-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 04/11/2024
37. 6-Jun-2024 OPINION (Reversed) Hon Daniel J Kiley - Author; Hon Kent E Cattani - Concur; Hon D Steven Williams - Concur
38. 6-Jun-2024 FILED: Decision Distribution Notification
39. 20-Jun-2024 FILED: Defendant Trafficade Service, LLC's Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellee Trafficade)

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 23-0520**

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**43 PROCEEDING ENTRIES**

- 40. 20-Jun-2024 FILED: Notice of Appearance; Certificate of Service (Appellee Trafficade)
- 41. 5-Jul-2024 ORDERED: Defendant Trafficade Service, LLC's Motion for Reconsideration (Appellee Trafficade) = DENIED. Hon Daniel J Kiley - Author
- 42. 23-Jul-2024 FILED: Email Notice from ASC re: Petition for Review filed 07/22/2024; request for partial record
- 43. 23-Jul-2024 FILED: Letter forwarding partial record to Arizona Supreme Court