

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0560

KEMPER, et al. v. PINNACLE DENTAL, PLLC

Appellate Case Information

Case Filed: 13-Sep-2023
Case Closed: 12-Sep-2024

Decision

Dept/Composition

Department C

Hon. Paul J McMurdie
Hon. Maria Elena Cruz
Hon. Cynthia J Bailey

Side 1. VALERIE KEMPER, et al., Plaintiff/Appellant

(Litigant Group) VALERIE KEMPER, et al.

- Valerie Kemper
West Valley Psychological Services LLC

Attorneys for: Plaintiffs/Appellants

William M Fischbach, III, Esq. (AZ Bar No. 19769)
Amy D Sells, Esq. (AZ Bar No. 24157)
Elliot Charles Stratton, Esq. (AZ Bar No. 34025)

Side 2. PINNACLE DENTAL, PLLC, Defendant/Appellee

(Litigant Group) LEE W. HARDING, et al.

[Dismissed per order filed 10/20/23]

(Litigant Group) PINNACLE DENTAL, PLLC

- Pinnacle Dental PLLC

Attorneys for: Defendant/Appellee Pinnacle

Barry M Aylstock, Esq. (AZ Bar No. 28983)

CASE STATUS

Sep 12, 2024...Case Closed

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2021-000736, Intentional Tort, Susanna C Pineda, Authoring Judge of Order.

CASE DECISION

06-Aug-2024 MEMORANDUM DECISION

Cynthia Bailey.....Author
Paul McMurdie.....Concur
Maria Cruz.....Concur

Filed: 06-Aug-2024 Mandate: 12-Sep-2024

Decision Disposition

Vacated
Remanded

33 PROCEEDING ENTRIES

- 1. 13-Sep-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 08/15/23
2. 13-Sep-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 13-Sep-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 25-Sep-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
5. 25-Sep-2023 FILED: Notice of Filing Transcripts; Certificate of Service (Appellant)
6. 25-Sep-2023 FILED: Reporter's Transcript - 05/10/2023 - Oral Argument (Cynthia R. Piett) (Appellant)
7. 25-Sep-2023 FILED: Reporter's Transcript - 05/22/2023 - Oral Argument (Cynthia R. Piett) (Appellant)
8. 26-Sep-2023 FILED: Case Management Statement; Copy of Maricopa County Superior Court ME filed 08/08/2023 re: Final Order; Copy of Maricopa County Superior Court ME filed 08/08/2023 re: Attorney Fee's and Costs (Appellant)
9. 29-Sep-2023 RECEIPT No.: 2023-00923 ; \$280.00, Authorization: #72010473955, Applied to: VALERIE KEMPER, et al. - Class A Filing Fee (\$280.00) Paid for: William M Fischbach III - By nCourt LLC
10. 2-Oct-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee Harding, et al.)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0560****KEMPER, et al. v. PINNACLE DENTAL, PLLC****33 PROCEEDING ENTRIES**

11. 2-Oct-2023 FILED: Notice of Appearance; Certificate of Service (Appellee Harding, et al.)
12. 6-Oct-2023 RECEIPT No.: 2023-00945 ; \$140.00, Authorization: 79007650186, Applied to: LEE W. HARDING, et al. - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By nCourt LLC
13. 6-Oct-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
14. 20-Oct-2023 ORDERED: Dismissing this appeal as to Lee W. Harding, Julie Harding, and LJNI Family LLC. This appeal shall proceed only as to Pinnacle Dental, PLLC. FURTHER ORDERED: Amending the caption and docket in this appeal by removing Lee W. Harding, Julie Hon David B Gass - Author
15. 23-Oct-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee)
16. 27-Oct-2023 RECEIPT No.: 2023-01015 ; \$140.00, Authorization: 00011066464, Applied to: PINNACLE DENTAL, PLLC - Class B Filing Fee (\$140.00) Paid for: Faith Ledyard & Faith PLC - By nCourt LLC
17. 13-Nov-2023 FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
18. 14-Nov-2023 FILED: Notice of Errata Re: Opening Brief; Certificate of Service (Appellant)
19. 20-Dec-2023 FILED: Motion for Procedural Order to Extend the Time for Filing Appellee's Answering Brief; Certificate of Service; Exhibit A (to Motion for Procedural Order to Extend the Time for Filing Appellee's Answering Brief); Order Granting Motion for Procedural Order to Extend the Time for Filing Appellee's Answering Brief (Appellee)
20. 20-Dec-2023 ORDERED: Motion for Procedural Order to Extend the Time for Filing Appellee's Answering Brief (Appellee) = 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 opening brief. Melina Brill ProTem Judge - Author
21. 12-Jan-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service; Copy of Memorandum Decision filed 11/02/2023 re: case 1 CA-CV 23-0022 (Appellee)
22. 30-Jan-2024 FILED: Motion for Procedural Order (Extend Reply Brief); Certificate of Service (Appellant)
23. 31-Jan-2024 ORDERED: Motion for Procedural Order (Extend Reply Brief) (Appellant) = GRANTED. Due date EXTENDED from Thursday, 02-01-2024 to Friday, 02-09-2024. 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
24. 9-Feb-2024 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
25. 28-Feb-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
26. 8-Mar-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
27. 26-Mar-2024 CLNDR: CONFERENCE, Department C, 5-8-24, CONFERENCE ROOM.
28. 10-May-2024 FILED: Notice of Supplemental Authority; Certificate of Service (Appellant)
29. 6-Aug-2024 MEMORANDUM DECISION (Vacated, Remanded) Hon Cynthia J Bailey - Author; Hon Paul J McMurdie - Concur; Hon Maria Elena Cruz - Concur
30. 6-Aug-2024 FILED: Decision Distribution Notification
31. 19-Aug-2024 FILED: Statement of Costs; Certificate of Service (Appellant)
32. 5-Sep-2024 ORDERED: Statement of Costs (Appellant) = GRANTED. Awarding Plaintiffs/Appellants Valerie Kemper and West Valley Psychological Services, LLC costs in the amount of \$847.97. Hon Cynthia J Bailey - Author
33. 12-Sep-2024 FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.