

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0764

POTTER v. EHRICH

Appellate Case Information

Case Filed: 4-Dec-2023

Case Closed:

Dept/Composition

Department A

Hon. Jennifer B Campbell
Hon. Kent E Cattani
Hon. Paul J McMurdie

Side 1. PHILLIP TERRY POTTER, Plaintiff/Appellant

(Litigant Group) PHILLIP TERRY POTTER

- Phillip Terry Potter

PRO SE

Side 2. TASSNEEM DOCTOR, et al., Defendant/Appellee

(Litigant Group) TASSNEEM DOCTOR

[Dismissed per order filed 01/22/2024]

(Litigant Group) ABDULLA DOCTOR, et al.

[Dismissed per order filed 01/22/2024]

(Litigant Group) CHRISTINE EHRLICH

- Christine Erlich

Attorneys for: Defendant/Appellee C Erlich

Mark J DePasquale, Esq. (AZ Bar No. 12688)

(Litigant Group) MICHAEL CLANCY, et al.

[Dismissed per order filed 01/22/2024]

(Litigant Group) ROBERT MEZA

[Dismissed per order filed 01/22/2024]

(Litigant Group) ALISON RAPPING

[Dismissed per order filed 01/22/2024]

(Litigant Group) LORRIE HENDERSON, et al.

[Dismissed per order filed 01/22/2024]

(Litigant Group) SHAWN EMMONS, et al.

[Dismissed per order filed 01/22/2024]

(Litigant Group) TAD GARY, et al.

[Dismissed per order filed 01/22/2024]

(Litigant Group) BLUE CROSS BLUE SHIELD OF ARIZONA

[Dismissed per order filed 01/22/2024]

(Litigant Group) PINNACLE WEST CAPITAL CORPORATION, et al.

[Dismissed per order filed 01/22/2024]

CASE STATUS

Sep 10, 2024....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2021-013210, Intentional Tort, Jay R Adleman, Authoring Judge of Order.

2 OPEN DUE DATES

Motion for Reconsideration due

Due By: Wednesday, September 25, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Paul J McMurdie - Author; Hon Jennifer B Campbell - Concur; Hon Kent E Cattani - Concur

Petition for Review to ASC due

Due By: Thursday, October 10, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Paul J McMurdie - Author; Hon Jennifer B Campbell - Concur; Hon Kent E Cattani - Concur

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0764

POTTER v. EHRICH

CALENDAR

Tuesday MONTHLY COURT CASE CALENDAR
3-Sep-2024 Department A; COURTROOM 1

Mixed

CASE DECISION

10-Sep-2024 MEMORANDUM DECISION

Paul McMurdie.....Author
Jennifer Campbell.....Concur
Kent Cattani.....Concur

Filed: 10-Sep-2024 Mandate:

Table with 1 row: Decision Disposition Affirmed

44 PROCEEDING ENTRIES

- 1. 4-Dec-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 10/17/23
2. 4-Dec-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 4-Dec-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 4-Dec-2023 FILED: Motion to Create Appellate Case Number (Motion for Procedural Order); Certificate of Service (Appellant Pro Per)
5. 6-Dec-2023 ORDERED: Motion to Create Appellate Case Number (Motion for Procedural Order) (Appellant Pro Per) = GRANTED in part and assigning this appeal case number 1 CA-CV 23-0764. Melina Brill ProTem Judge - Author
6. 7-Dec-2023 RECEIPT No.: 2023-01154 ; \$280.00, Authorization: #41009543858, Applied to: PHILLIP TERRY POTTER - Class A Filing Fee (\$280.00) Paid for: PHILLIP TERRY POTTER - By nCourt LLC
7. 12-Dec-2023 FILED: Appellate Clerk Notice re: Appellee's Fees; Appellant's Brief/Case Management Statement Due
8. 12-Dec-2023 FILED: Settlement Conference Program Notice
9. 18-Dec-2023 FILED: Case Management Statement (Appellant Pro Per)
10. 20-Dec-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee Erlich)
11. 21-Dec-2023 FILED: Wrongfully Named Appellees' Motion to Dismiss and to Correct Caption; Certificate of Service; Rule 54 (b) Judgment (Appellee Pinnacle West Capital Corporation, et al.)
12. 26-Dec-2023 FILED: Payment for Appellee's Filing Fee for the sum of \$140.00; Payment for Appellee's Filing Fee for the sum of \$140.00 (Duplicate) (Appellee T. Doctor)
13. 27-Dec-2023 FILED: Notice of Transcript; Reporter's Transcript - 11/16/2022 - Oral Argument (Debra Price) (Appellant)
14. 27-Dec-2023 RECEIPT No.: 2023-01208 ; \$140.00, Authorization: # 61016573221, Applied to: CHRISTINE EHRLICH - Class B Filing Fee (\$140.00) Paid for: Mark J DePasquale PC - By nCourt LLC
15. 27-Dec-2023 FILED: Notice of Payment of Filing Fee (Appellees Pinnacle West Capital Corporation, et al.)
16. 27-Dec-2023 FILED: Certificate of Service (Re Notice of Payment of Filing Fee)(Appellees Pinnacle West Capital Corporation, et al.)
17. 27-Dec-2023 FILED: Notice of Intent to Object to Appellees' "Motion to Dismiss and to Correct Caption", Including on the Basis of Lack of Appellate Jurisdiction; Certificate of Service (Appellant Pro Per)
18. 2-Jan-2024 RECEIPT No.: 2024-00001 ; \$140.00, Authorization: # 02023929619, Applied to: TASSNEEM DOCTOR - Class B Filing Fee (\$140.00) Paid for: Ortega & Ortega PLLC - By nCourt LLC
19. 2-Jan-2024 RECEIPT No.: 2024-00004 ; \$140.00, Authorization: # 02023929619, Applied to: PINNACLE WEST CAPITAL CORPORATION, et al. - Class B Filing Fee (\$140.00) Paid for: Osborn Maledon PA - By nCourt LLC
20. 8-Jan-2024 FILED: Response to Wrongfully Named Appellees' Motion to Dismiss and to Correct Caption; Certificate of Service (Appellant Pro Per)
21. 8-Jan-2024 FILED: Appendix of Record Volume 1 of 3 (to Response to Wrongfully Named Appellees' Motion to Dismiss and to Correct Caption) (Appellant Pro Per)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0764****POTTER v. EHRICH****44 PROCEEDING ENTRIES**

22. 8-Jan-2024 FILED: Appendix of Record Volume 2 of 3 (to Response to Wrongfully Named Appellees' Motion to Dismiss and to Correct Caption) (Appellant Pro Per)
23. 8-Jan-2024 FILED: Exhibit B (to Response to Wrongfully Named Appellees' Motion to Dismiss and to Correct Caption); Certificate of Service (Appellant Pro Per)
24. 16-Jan-2024 FILED: Reply in Support of Wrongfully Named Appellees' Motion to Dismiss and to Correct Caption; Certificate of Service (Appellees Pinnacle et al.)
25. 22-Jan-2024 ORDERED: Wrongfully Named Appellees' Motion to Dismiss and to Correct Caption (Appellee Pinnacle West Capital Corporation, et al.) = GRANTED and dismissing all defendants from this appeal other than Christine Ehrich. FURTHER ORDERED: Amending the caption and docket in this appeal by removing all defendants other than Christine Ehrich as appellees. The caption shown on this order shall be used on all future documents filed in this appeal. FURTHER ORDERED: Denying appellant's motion to dismiss and all other relief requested in the response without prejudice to any relevant arguments being raised in the opening brief. Hon Randall M Howe - Author
26. 24-Jan-2024 FILED: Motion for Extension of Time to File Opening Brief; Motion for Extension of Time to File Opening Brief (Certificate of Service) (Appellant Pro Per)
27. 25-Jan-2024 ORDERED: Motion for Extension of Time to File Opening Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Friday, 02-02-2024 to Monday, 03-04-2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
28. 7-Feb-2024 FILED: Defendant/Appellee Christine Ehrich's Response To Plaintiff/Appellant's Motion To Consolidate; Certificate of Service (Appellee Ehrich)
29. 13-Feb-2024 FILED: Reply to Motion to Consolidate; Certificate of Service (Appellant Pro Per)
30. 15-Feb-2024 FILED: Motion to Vacate Opening Brief Due Date; Certificate of Service; Order Vacating Due Date (Appellant Pro Per)
31. 15-Feb-2024 ORDERED: Motion to Vacate Opening Brief Due Date (Appellant Pro Per) = GRANTED. FURTHER ORDERED: Vacating the 03/04/2024 due date for the opening brief. The order ruling on the pending motion to consolidate filed in appeal 1 CA-CV 23-0760 will set a due date to file the opening brief. Melina Brill ProTem Judge - Author
32. 21-Mar-2024 FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Pro Per)
33. 23-Apr-2024 FILED: Motion for Extension of Time to File Answering Brief (Motion for Procedural Order); Certificate of Service (Appellee)
34. 24-Apr-2024 ORDERED: Motion for Extension of Time to File Answering Brief (Motion for Procedural Order) (Appellee) = GRANTED. Due date EXTENDED from Tuesday, 04-30-2024 to Friday, 05-10-2024. 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
35. 10-May-2024 FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
36. 22-May-2024 FILED: Motion for Extension of Time to File Reply Brief; Certificate of Service (Appellant Pro Per)
37. 22-May-2024 FILED: Motion for Extension of Time to File Reply Brief (Errata); Certificate of Service (Appellant Pro Per)
38. 23-May-2024 ORDERED: Motion for Extension of Time to File Reply Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Thursday, 05-30-2024 to Thursday, 06-20-2024. If the brief is not timely filed, the court will submit this appeal for decision on the record and filed briefs. Melina Brill ProTem Judge - Author
39. 20-Jun-2024 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
40. 10-Jul-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
41. 19-Jul-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
42. 25-Jul-2024 CLNDR: CONFERENCE, Department A, 9-3-24, COURTROOM 1.
43. 10-Sep-2024 MEMORANDUM DECISION (Affirmed) Hon Paul J McMurdie - Author; Hon Jennifer B Campbell - Concur; Hon Kent E Cattani - Concur
44. 10-Sep-2024 FILED: Decision Distribution Notification