

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0797

MATWYUK v. STATE, et al.

Appellate Case Information

Case Filed: 15-Dec-2023

Case Closed:

Dept/Composition

Department E

Hon. Anni Hill Foster
Hon. Brian Y Furuya
Hon. Randall M Howe

Side 1. PHILIP STEVEN MATWYUK, Plaintiff/Appellant
(Litigant Group) PHILIP STEVEN MATWYUK

Philip Steven Matwyuk PRO SE

Side 2. STATE OF ARIZONA, et al., Defendant/Appellee
(Litigant Group) STATE OF ARIZONA, et al.

- State of Arizona
Mark Brnovich
AZ Bar No. 14134
[Current Member]
Admitted 5/23/92

Attorneys for: Defendants/Appellees
Daniel P Schaack, Esq. (AZ Bar No. 10715)
Claudia Acosta Collings, Esq. (AZ Bar No. 21647)

(Litigant Group) MOHAVE/KINGMAN

- Mohave County Attorney's Office
James M Schoppmann
AZ Bar No. 23452
Kingman Police Department
Brandon DeLong

Attorney for: Defendants/Appellees Mohave/Kingman
James M Jellison, Esq. (AZ Bar No. 12763)
Rodney States, Esq. (AZ Bar No. 32444)

CASE STATUS

Sep 4, 2024.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MOH, S8015CV202200058, Unclassified Civil, Lee Frank Jantzen, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-24-0156-PR

CASE DECISION

27-Jun-2024 MEMORANDUM DECISION

Amended Per Order Filed 7-01-2024

Filed: 27-Jun-2024

Mandate:

Anni Foster.....Author
Brian Furuya.....Concur
Randall Howe.....Concur

Table with 1 column: Decision Disposition. Value: Affirmed

44 PROCEEDING ENTRIES

- 1. 5-Dec-2023 FILED: Timely Notice of Intent to Appeal Final Order, and Designate the Record (Courtesy Copy) (Appellant Pro Per)
2. 5-Dec-2023 FILED: Additional Timely Notice of Intent to Appeal Third Amended Final Order/Judgment, and Designate the Record (Courtesy Copy) (Appellant Pro Per)
3. 15-Dec-2023 FILED: Brief of the Plaintiff-Appellee [sic] (Opening Brief) (Appellant Pro Per)
4. 15-Dec-2023 FILED: Untitled (Motion Requesting Service) (Appellant Pro Per)
5. 20-Dec-2023 FILED: Index of Record, Notice of Appeal from Mohave County Superior Court filed 12/06/23

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0797****MATWYUK v. STATE, et al.****44 PROCEEDING ENTRIES**

6. 20-Dec-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
7. 20-Dec-2023 ORDERED: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). There is no appellee's filing fee due in this matter. Appellant's Case Management Statement due 01/09/2024. Appellant's Opening Brief was filed 12/15/2023 and Appellee's Answering Brief is due 02/20/2024. FURTHER ORDERED: copy of this order to Arizona Department of Corrections, and copy of order and case management statement form to appellant personally. Amy M Wood - Author
8. 20-Dec-2023 FILED: Settlement Conference Program Notice
9. 21-Dec-2023 FILED: First Amendment to Appeal Filed December 13, 2023 (Appellant Pro Per)
10. 21-Dec-2023 ORDERED: Untitled (Motion Requesting Service) (Appellant Pro Per) = DENIED. Melina Brill ProTem Judge - Author
11. 21-Dec-2023 ORDERED: First Amendment to Appeal Filed December 13, 2023 (Appellant Pro Per) = Taking no action. Melina Brill ProTem Judge - Author
12. 28-Dec-2023 FILED: Court Required Filing Fee Payment; Court Required Filing Fee Payment (Duplicate); Court Required Filing Fee Payment (Duplicate); Court Required Filing Fee Payment (Duplicate) (Appellant Pro Per)
13. 2-Jan-2024 FILED: Notice of Appearance of Assistant Attorney General; Certificate of Service (Appellee State)
14. 3-Jan-2024 FILED: Notice of Appearance; Certificate of Service (Appellee Mohave/Kingman)
15. 5-Jan-2024 RECEIPT No.: 2024-00012 ; \$280.00, Authorization: # 05005119380, Applied to: PHILIP STEVEN MATWYUK - Class A Filing Fee (\$280.00) Paid for: PHILIP STEVEN MATWYUK - By nCourt LLC
16. 11-Jan-2024 FILED: Notice of Substitution of Assistant Attorney General; Certificate of Service (Appellee State)
17. 12-Feb-2024 FILED: Request to Clerk of the Court for Conforming Time Stamped Copy of Plaintiff's Brief (Appeal) and Case Management Statement (Appellant Pro Per)
18. 15-Feb-2024 RECEIPT No.: 2024-00155 ; \$31.97, Check Number: #1053242, Applied to: PHILIP STEVEN MATWYUK - Overpayment X (\$31.97) Paid for: PHILIP STEVEN MATWYUK - By ARIZONA DEPARTMENT OF CORRECTIONS (Memo: Partial Payment. Refund needed.)
19. 20-Feb-2024 FILED: Letter, 2/20/24, from Court to Appellant, enclosing copy of docket/conformed copy of brief
20. 20-Feb-2024 FILED: State Defendants' Answering Brief; Certificate of Compliance; Certificate of Service (Appellee State)
21. 20-Feb-2024 FILED: Answering Brief of Defendants-Appellees James Schoppmann, Mohave County Attorney's Office, Brandon DeLong, and The Kingman Police Department; Certificate of Compliance; Certificate of Service (Appellee Mohave/Kingman)
22. 27-Feb-2024 FILED: Letter dated 02/24/2024 to ADCRR from Court re: enclosing check #113740 in the amount of \$31.97 for refund of monies submitted in error
23. 1-Mar-2024 FILED: Refiled Case Management Statement, and Request of Conforming Copy with out Prejudice, of Being Delayed, [sic] (Appellant Pro Per)
24. 5-Mar-2024 ORDERED: Refiled Case Management Statement, and Request of Conforming Copy with out Prejudice, of Being Delayed, [sic] (Appellant Pro Per) = GRANTED and accepting the case management statement filed on 03/01/2024. Melina Brill ProTem Judge - Author
25. 5-Mar-2024 FILED: Plaintiff's Response to (Defendants) [sic] Answering Brief (Reply Brief to Brandon Delong) (Appellant Pro Per)
26. 5-Mar-2024 FILED: Plaintiff's Response to (Defendants) [sic] Answering Brief (Reply Brief to Mark Brnovich) (Appellant Pro Per)
27. 5-Mar-2024 FILED: Plaintiff's Response to (Defendants) [sic] Answering Brief (Reply Brief to James Schoppmann) (Appellant Pro Per)
28. 4-Apr-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
29. 8-Apr-2024 FILED: Request for Clerk of the Court Send Conforming Time Stamped Copy of Plaintiff's Response to (Defendants) Answering Brief (Appellant Pro Per)
30. 11-Apr-2024 Record Receipt Noted - ENTIRE RECORD FILED - There is no additional electronic or physical record to be transmitted.
31. 11-Apr-2024 ORDERED: Request for Clerk of the Court Send Conforming Time Stamped Copy of Plaintiff's Response to (Defendants) Answering Brief (Appellant Pro Per) = GRANTED and correcting the docket in this appeal to reflect three reply briefs were filed. Conformed copies of the briefs were mailed to the appellant on 04/09/2024. Melina Brill ProTem Judge - Author

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 23-0797**

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32. 26-Apr-2024 CLNDR: CONFERENCE, Department E, 6-6-24, CONFERENCE ROOM.
33. 27-Jun-2024 MEMORANDUM DECISION (Affirmed) Hon Anni Hill Foster - Author; Hon Brian Y Furuya - Concur; Hon Randall M Howe - Concu
34. 27-Jun-2024 FILED: Decision Distribution Notification
35. 28-Jun-2024 FILED: Motion to Correct Caption in Memorandum Decision; Certificate of Service (Appellee State)
36. 1-Jul-2024 ORDERED: Motion to Correct Caption in Memorandum Decision; Certificate of Service (Appellee State) = GRANTED. Directing the Clerk's Office, by interlineation, shall amend the caption page of the Memorandum Decision filed 6/27/24 by removing "Daniel P. Schaak" and replacing it to read "Daniel P. Schaack". Hon Anni Hill Foster - Author
37. 8-Jul-2024 FILED: Objection to Memorandum Decision, and Request for Reconsideration (Appellant Pro Per)
38. 9-Jul-2024 ORDERED: Objection to Memorandum Decision, and Request for Reconsideration (Appellant Pro Per) = DENIED. Hon Anni Hill Foster - Author
39. 12-Jul-2024 FILED: Courtesy Copy of Notice of Intent to Appeal Arizona Court of Appeals Memorandum Decision, Order, Judgment, filed in Arizona Supreme Court (Appellant Pro Per)
40. 17-Jul-2024 FILED: Letter, 7/17/24, from ASC to Appellant Pro Per; case may be dismissed if motion or petition for review not filed by 8/28/24
41. 25-Jul-2024 FILED: ASC Order, 7/25/24, Appellant may file petition for review on or before 8/28/24
42. 25-Jul-2024 FILED: Courtesy Copy of Petition for Review filed with the Arizona Supreme Court (Appellant Pro Per)
43. 4-Sep-2024 FILED: Email Notice from ASC re: Petition for Review filed 08/05/2024; request for partial record
44. 5-Sep-2024 FILED: Letter forwarding partial record to Arizona Supreme Court