

Court of Appeals, Division One

Civil Appeal

1 CA-CV 24-0478

ASBURY v. SUMMIT, et al.

Appellate Case Information

Case Filed: 27-Jun-2024

Case Closed:

Dept/Composition

Side 1. TRACY ASBURY, a married woman, Plaintiff/Appellee/Cross-Appellant

(Litigant Group) TRACY ASBURY

- Tracy Asbury

Attorneys for: Plaintiff/Appellee/Cross-Appellant

Arthur E Lloyd, Esq. (AZ Bar No. 10049)

A Evan Lloyd, Esq. (AZ Bar No. 32086)

David L Abney, Esq. (AZ Bar No. 9001)

Side 2. SUMMIT HEALTHCARE ASSOCIATION, an Arizona corporation; SUMMIT HEALTHCARE MEDICAL ASSOCIATES, LLC, an Arizona limited liability company; JARED HALL, DPM; JOHN & JANE DOES 1-5; ABC and XYZ ENTITIES 1-5, Defendant/Appellant/Cross-Appellee

(Litigant Group) SUMMIT, et al.

- Summit Healthcare Association
Summit Healthcare Medical Associates LLC
Jared Hall

Co-Counsel for:Defendant/Appellant/Cross-Appellees

Megan E Gailey, Esq. (AZ Bar No. 23648)

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

Kevin Homiak, Esq. (CO Bar No. COHomiak)

Cody M Hall, Esq. (AZ Bar No. 13245)

Frederick R Yarger, Esq. (CO Bar No. 39479)

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: NAV, S0900CV202100390, Negligence, Michala M Ruechel, Authoring Judge of Order.

OPEN DUE DATE

Opening Brief due

Due By: Monday, September 30, 2024

Re: FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due

[1 extension]

PENDING MATTER

Div 1 Request for Oral Argument

Filed: 15-Jul-2024

Motion for Oral Argument (Appellee)

22 PROCEEDING ENTRIES

- 1. 27-Jun-2024 FILED: Index of Record, Notice of Appeal filed in the Superior Court of Navajo County 6/14/24
2. 27-Jun-2024 FILED: Record on Appeal: Combined Instruments/Minute Entries Exhibits: None
3. 1-Jul-2024 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 2-Jul-2024 FILED: Notice of Appearance; Certificate of Service (Appellant)
5. 5-Jul-2024 FILED: Clerk's Notice of Filing Notice of Appeal and Index of Reported Hearings
6. 8-Jul-2024 RECEIPT No.: 2024-00657 ; \$280.00, Authorization: #90021249825, Applied to: SUMMIT, et al. - Class A Filing Fee (\$280.00) Paid for: Broening Oberg Woods & Wilson PC - By nCourt LLC
7. 12-Jul-2024 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
8. 12-Jul-2024 FILED: Settlement Conference Program Notice
9. 15-Jul-2024 FILED: Motion for Oral Argument; Certificate of Service for Motion for Oral Argument (Appellee)
10. 15-Jul-2024 FILED: Notice of Appearance of Attorney David L. Abney; Certificate of Service for Notice of Appearance of Attorney David L. Abney (Appellee)
11. 17-Jul-2024 FILED: Notice Concerning Cross-Appeal and inquiry Concerning Briefing Schedule; Certificate of Service for Notice Concerning Cross-Appeal and Inquiry Concerning Briefing Schedule (Appellee)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 24-0478****ASBURY v. SUMMIT, et al.****22 PROCEEDING ENTRIES**

12. 18-Jul-2024 ORDERED: Notice Concerning Cross-Appeal and inquiry Concerning Briefing Schedule (Appellee) = GRANTED and amending the caption in this appeal by adding the designations of "cross-appellant" and "cross-appellees." The caption shown on this order shall be used on all future documents filed in this appeal. FURTHER ORDERED: That appellee/cross-appellant's additional \$140.00 filing fee, payable to the clerk of the court, is due by 07/29/2024. FURTHER ORDERED: Case management statement remains due by 07/22/2024, and the cross-appeal case management statement is due by 08/01/2024. The opening brief remains due by 08/30/2024. Melina Brill ProTem Judge - Author
13. 19-Jul-2024 RECEIPT No.: 2024-00706 ; \$140.00, Authorization: #01004812758, Applied to: TRACY ASBURY - Class B Filing Fee (\$140.00) Paid for: David L Abney - By nCourt LLC
14. 22-Jul-2024 FILED: Case Management Statement of Plaintiff/Appellee/Cross-Appellant (Appellee/Cross-Appellant)
15. 22-Jul-2024 FILED: Case Management Statement (Appellant/Cross-Appellee)
16. 22-Jul-2024 FILED: Amended Case Management Statement (Appellant/Cross-Appellee)
17. 25-Jul-2024 RECEIPT No.: 2024-00735 ; \$140.00, Authorization: # 07011560379, Applied to: TRACY ASBURY - Class A Upgrade Fee (A-B) (\$140.00) Paid for: David L Abney - By nCourt, LLC
18. 9-Aug-2024 FILED: Unopposed Motion for Procedural Order Extending Deadline to File Transcripts and Opening Brief; Certificate of Service (Appellant/Cross-Appellees)
19. 13-Aug-2024 ORDERED: Unopposed Motion for Procedural Order Extending Deadline to File Transcripts and Opening Brief (Appellant/Cross-Appellees) = GRANTED and extending the time to file transcripts to 08/23/2024. FURTHER ORDERED: Extending the time to file the opening brief from 08/30/2024 to 09/30/2024. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
20. 23-Aug-2024 FILED: Reporter's Transcript - 03/26/2024 - Oral Argument (Clark L. Edwards) (Appellant/Cross-Appellee)
21. 10-Sep-2024 FILED: Motion to Associate Counsel Pro Hac Vice; Certificate of Service; Untitled (Pro Hac Vice Applicant) (Appellant)
22. 11-Sep-2024 ORDERED: Motion to Associate Counsel Pro Hac Vice (Appellant) = GRANTED and permitting attorney Fredrick R. Yarger of Wheeler Trigg O'Donnell, LLP, to appear pro hac vice as co-counsel for appellants/cross-appellees with Cody M. Hall of Broening Oberg Woods & Wilson, P.C., as local counsel. Melina Brill ProTem Judge - Author