

Court of Appeals, Division One

Civil Appeal

1 CA-CV 24-0484

STITH v. BELLA VITA HEALTH, et al.

Appellate Case Information

Case Filed: 1-Jul-2024

Case Closed:

Dept/Composition

Side 1. PEGGY STITH, Plaintiff/Appellee

(Litigant Group) PEGGY STITH

- Peggy Stith

Co-Counsel for: Plaintiff/Appellee

Ilya Elana Lerma, Esq. (AZ Bar No. 19573)

Alejandro Blanco, Esq. (CA Bar No. 133073)

Brian Sutherland, Esq. (CA Bar No. 248486)

Michael von Loewenfeldt, Esq. (CA Bar No. 178665)

Side 2. BELLA VITA HEALTH & REHABILITATION CENTER, et al., Defendant/Appellant

(Litigant Group) BELLA VITA HEALTH & REHABILITATION CENTER, et al.

- Bella Vita Health & Rehabilitation Center
- Glendale Healthcare Associates LLC

Co-Counsel for: Defendants/Appellants

Eileen Dennis GilBride, Esq. (AZ Bar No. 9220)

Michael J Ryan, Esq. (AZ Bar No. 17467)

Michael S Redhair, Esq. (AZ Bar No. 18578)

Nichole Cullen, Esq. (AZ Bar No. 28140)

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2016-050619, Vulnerable Adult, Melissa Iyer Julian, Authoring Judge of Order.

OPEN DUE DATE

Opening Brief due

Due By: Wednesday, September 25, 2024

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

18 PROCEEDING ENTRIES

- 1. 27-Jun-2024 FILED: Additional Record on Appeal: Physical Exhibits HEaring Date 9/6/16 List and # 1, 2, 3, 4, 5, 6, 7 in Manila Envelope Hearing Date 10/30/23 List and # 76, 85, 92, 164 in Manila Envelope
- 2. 1-Jul-2024 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/29/24
- 3. 1-Jul-2024 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: Hearing Date 10/30/23 1, 3, 5, 6, 19, 22, 27, 28, 29, 30, 36, 38, 40, 44, 50, 52, 54, 59, 61, 63, 64, 66, 68, 70, 72, 75, 77, 80, 81, 84, 88, 97, 100, 101, 104, 106, 107, 108, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 141, 144, 153, 156, 162, 163 103 Part 1, 103 Part 2, 103 Part 3, 101 Part 1, 101 Part 2, 101 Part 3, 101 Part 4
- 4. 1-Jul-2024 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
- 5. 11-Jul-2024 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellant)
- 6. 15-Jul-2024 FILED: Case Management Statement (Appellant)
- 7. 18-Jul-2024 RECEIPT No.: 2024-00691 ; \$280.00, Authorization: #00003582707, Applied to: BELLA VITA HEALTH & REHABILITATION CENTER, et al. - Class A Filing Fee (\$280.00) Paid for: Jones Skelton & Hochuli PLC - By nCourt LLC
- 8. 19-Jul-2024 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
- 9. 19-Jul-2024 FILED: Settlement Conference Program Notice
- 10. 31-Jul-2024 FILED: Plaintiff's Motion to Associate Counsel Pro-Hac Vice: Re Brian Sutherland P241442 Pro Hac Application # 1015246; Certificate of Service (Appellee)
- 11. 31-Jul-2024 FILED: Plaintiff's Motion to Associate Counsel Pro-Hac Vice: Re: Michael Von Loewenfeldt P241573 Pro Hac Application # 1015284; Certificate of Service (Appellee)

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12. 31-Jul-2024 ORDERED: Plaintiff's Motion to Associate Counsel Pro-Hac Vice: Re Brian Sutherland P241442 Pro Hac Application # 1015246 (Appellee) = GRANTED and permitting attorneys Brian Sutherland and Michael Von Loewenfeldt of Complex Appellate Litigation Group LLP to appear pro hac vice as co-counsel for appellee with Ilya E. Lerma of Law Office of Ilya E. Lerma as local counsel. Melina Brill ProTem Judge - Author
13. 5-Aug-2024 RECEIPT No.: 2024-00774 ; \$140.00, Authorization: #18017270287, Applied to: PEGGY STITH - Class B Filing Fee (\$140.00) Paid for: Law Office of Ilya E Lerma Esq LLC - By nCourt LLC
14. 7-Aug-2024 FILED: Joint Motion to Stay Appeal and Remand; Certificate of Service (Appellant)
15. 8-Aug-2024 ORDERED: Joint Motion to Stay Appeal and Remand (Appellant) = GRANTED. FURTHER ORDERED: Staying appeal until 09/09/2024, re-vesting jurisdiction in superior court and authorizing that court to consider a motion to correct the judgment. FURTHER ORDERED: If superior court enters a Ruld 54(b) judgment, appellants must file timely notice of appeal from that judgment. FURTHER ORDERED: Directing appellants to file status report by 09/10/2024, if notice pursuant to previous paragraph is not filed before that date. FURTHER ORDERED: Vacating 08/30/2024 due date for opening brief. Court will set due date for the opening brief after stay is lifted. Melina Brill ProTem Judge - Author
16. 23-Aug-2024 FILED: Appellants' Notice of Status; Certificate of Service (Appellant)
17. 23-Aug-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Rule 54(B) Judgment filed 8/19/2024 and Notice of Appeal filed 8/22/2024)
18. 26-Aug-2024 ORDERED: Lifting stay of this appeal. FURTHER ORDERED: Opening brief is due by 09/25/2024. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author