

Court of Appeals, Division One

Civil Appeal

1 CA-CV 25-0079

MITCHELL v. MARTINET et al.

Appellate Case Information

Case Filed: 22-Jan-2025

Case Closed:

Dept/Composition

Department D

Hon. David B Gass
Hon. Michael J Brown
Hon. Andrew J Becke

Side 1. JAMES MARTIN MITCHELL, MD, Plaintiff/Appellant

(Litigant Group) JAMES MARTIN MITCHELL

- James Martin Mitchell PRO SE

Side 2. PHILIP JAY MCCARTHY, as a private party state actor; MARY S. SMITH RN, as a private party state actor; MATTHEW L. SMITH, as a private party state actor; ANDREW N. SMITH, as a private party state actor; SOPHIA L. SMITH, as a private party state actor, Defendant/Appellee

(Litigant Group) PHILIP MCCARTHY

- Philip McCarthy, Jr Attorney for: Defendant/Appellee McCarthy
AZ Bar No. 13059 Donald Wilson, Jr, Esq. (AZ Bar No. 5205)
[Current Member] Kelley M Jancaitis, Esq. (AZ Bar No. 25555)
Admitted 11/6/90

(Litigant Group) MARY SMITH, et al.

- Mary Smith PRO SE
Matthew Smith PRO SE
Andrew Smith PRO SE

CASE STATUS

Dec 26, 2025... Pending in ASC

Mar 19, 2025... Reinstated Case

Table with 6 columns: PREDECESSOR CASE (S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: CON, S0300CV202400376, Motion to Dismiss Party, Brent Davidson Harris, Authoring Judge of Order.

DESCENDENT CASE (S)

ASC CV-25-0333-PR

2 CASE DECISIONS

21-Feb-2025 ORDER

Vacated
ORDERED: Dismissing this appeal.

Filed: 21-Feb-2025 Mandate:



Melina Brill.....Author

Table with 1 column: Decision Disposition. Row 1: Dismissed

19-Nov-2025 MEMORANDUM DECISION

Andrew Becke.....Author
David Gass.....Concur
Michael Brown.....Concur

Filed: 19-Nov-2025 Mandate:

Table with 1 column: Decision Disposition. Row 1: Affirmed

33 PROCEEDING ENTRIES

- 1. 22-Jan-2025 FILED: Clerk's Notice to Counsel and/or Parties Re: Notice of Appeal Filed (Notice of Appeal filed 1/9/25)
2. 22-Jan-2025 FILED: Clerk's Affidavit of Service of Notice of Appeal filed on January 9, 2025
3. 24-Jan-2025 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
4. 24-Jan-2025 FILED: Index of Record, Notice of Appeal from Coconino County Superior Court filed 1/9/25
5. 27-Jan-2025 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
6. 10-Feb-2025 FILED: Application for Deferral or Waiver of Court Fees or Costs and Consent to Entry of Judgment (Appellant Pro Per)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 25-0079****MITCHELL v. MARTINET et al.****33 PROCEEDING ENTRIES**

7.	12-Feb-2025	ORDERED: Application for Deferral or Waiver of Court Fees or Costs and Consent to Entry of Judgment (Appellant Pro Per) = DEFERRAL GRANTED. No payment will be due until further notice. Melina Brill ProTem Judge - Author
8.	17-Feb-2025	FILED: Case Management Statement; Certificate of Service (Appellant Pro Per)
9.	21-Feb-2025	ORDERED: Dismissing this appeal. Melina Brill ProTem Judge - Author
10.	3-Mar-2025	FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant Pro Per)
11.	3-Mar-2025	ORDERED: Requesting that appellees file a response to the motion by 03/17/2025. Melina Brill ProTem Judge - Author
12.	12-Mar-2025	FILED: Response to Motion for Reconsideration; Order Re: Response; Certificate of Service (Appellee McCarthy)
13.	13-Mar-2025	FILED: Notice of Appearance; Certificate of Service (Appellee McCarthy)
14.	18-Mar-2025	RECEIPT No.: 2025-00272 ; \$165.00, Authorization: #77010785879, Applied to: PHILIP MCCARTHY - Class B Filing Fee (\$165.00) Paid for: Broening Oberg Woods & Wilson PC - By nCourt LLC
15.	19-Mar-2025	ORDERED: Motion for Reconsideration (Appellant Pro Per) = GRANTED and reinstating this appeal. FURTHER ORDERED: (per Sorensen v. Farmers) staying appeal until 04/18/2025, revesting jurisdiction in superior court and authorizing that court to consider a motion for a signed judgment with Rule 54(c) finality language. FURTHER ORDERED: Appellant must file motion asking superior court to enter signed judgment. If no order has been signed by 04/18/2025, appellant must file motion to continue stay of appeal that describes status of matter. Otherwise, this court will dismiss appeal. FURTHER ORDERED: Case management statement due by 04/28/2025, and opening brief due by 05/19/2025. If brief not timely filed, court will dismiss this appeal. Melina Brill ProTem Judge - Author
16.	18-Apr-2025	FILED: Motion for Stay; Certificate of Service; Motion for Entry of Final Judgment; Order (Proposed Order) (Appellant Pro Per)
17.	21-Apr-2025	ORDERED: Motion for Stay (Appellant Pro Per) = GRANTED in part and continuing the stay of this appeal until 05/19/2025, for the purposes set forth in this court's 03/19/2025 stay order. FURTHER ORDERED: The stay will be lifted automatically on 05/20/2025, unless before that date appellant files a motion to continue the stay. If appellant does not file a motion to continue the stay and the superior court has not entered a signed Rule 54(c) judgment, this court will dismiss this appeal. FURTHER ORDERED: The opening brief is due by 06/19/2025. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
18.	21-Apr-2025	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Signed Rule 54(c) Judgment)
19.	28-Apr-2025	FILED: Case Management Statement (Appellant Pro Per)
20.	18-Jun-2025	FILED: Motion for a Procedural Order for an Extension of Time to File the Opening Brief; Certificate of Service (Appellant Pro Per)
21.	19-Jun-2025	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant Pro Per)
22.	19-Jun-2025	FILED: Petition for Special Action (Appendix Exhibit A); Copy of Coconino County Superior Court Order re: Administrative Order No. 2024-16 (Appellant Pro Per)
23.	19-Jun-2025	ORDERED: Motion for a Procedural Order for an Extension of Time to File the Opening Brief (Appellant Pro Per) = DENIED. Steven C Lawrence ProTem Judge - Author
24.	28-Jul-2025	FILED: Answering Brief of Phillip Jay McCarthy; Certificate of Compliance; Certificate of Service (Appellee McCarthy)
25.	17-Aug-2025	FILED: Reply to Defendant's Answering Brief; Certificate of Compliance; Certificate of Service (Appellant Pro Per)
26.	24-Sep-2025	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
27.	25-Sep-2025	CLNDR: CONFERENCE, Department D, 11-5-25, COURTROOM 2.
28.	24-Oct-2025	Record Receipt Noted - ENTIRE RECORD FILED - There is no additional electronic or physical record to be transmitted.
29.	19-Nov-2025	MEMORANDUM DECISION (Affirmed) Hon Andrew J Becke - Author; Hon David B Gass - Concur; Hon Michael J Brown - Concur
30.	19-Nov-2025	FILED: Decision Distribution Notification
31.	24-Dec-2025	FILED: Letter from ASC, filed 12/24/2025 re: Notice of Continuing Fee Deferral. Plaintiff/Appellant Mitchell, Pro Se, eligible for a deferral of fees. Plaintiff/Appellant Mitchell is required to report any change in financial circumstances to the Court by filing a document describing the change.
32.	26-Dec-2025	FILED: Email Notice from ASC re: Petition for Review filed 12/18/2025; request for partial record
33.	26-Dec-2025	FILED: Letter forwarding partial record to Arizona Supreme Court