

**Court of Appeals, Division One
Industrial Commission**

1 CA-IC 23-0002

CRAIG v. CITY OF PHOENIX/CITY OF PHX

Appellate Case Information

Case Filed: 29-Mar-2023

Case Closed:

Dept/Composition

Department C

Hon. D Steven Williams
Hon. Samuel A Thumma
Hon. Paul J McMurdie

Side 1. THOMAS CRAIG, Petitioner

(Litigant Group) THOMAS CRAIG

- Thomas Craig, Petitioner Employee

Attorneys for: Petitioner Employee

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

Side 2. THE INDUSTRIAL COMMISSION OF ARIZONA,

Respondent,

CITY OF PHOENIX,

Respondent Employer,

CITY OF PHOENIX,

Respondent Carrier,

Respondent

(Litigant Group) ICA

- Industrial Commission of Arizona

Attorneys for: Respondent ICA

Afshan Peimani, Esq. (AZ Bar No. 26156)

(Litigant Group) CITY OF PHOENIX/CITY OF PHOENIX

- City of Phoenix, Respondent Employer, Respondent Insurance Carrier

Attorneys for: Respondent Employer/Carrier

R Todd Lundmark, Esq. (AZ Bar No. 6919)

David Lundmark, Esq. (AZ Bar No. 35003)

CASE STATUS

Mar 18, 2024....Pending in ASC

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
ICA 20212770223			C Andrew Campbell, Administrative Law Judge		
INSCA 21G10J874066			Comments: (none)		

DESCENDENT CASE (S)

ASC CV-24-0023-PR

CASE DECISION

09-Jan-2024 MEMORANDUM DECISION

Paul McMurdie.....Author

D Williams.....Concur

Samuel Thumma.....Concur

Filed: 09-Jan-2024

Mandate:

Decision Disposition

Award Set Aside

34 PROCEEDING ENTRIES

- 29-Mar-2023 FILED: Petition for Special Action -- Industrial Commission; Certificate of Service for Petition for Special Action -- Industrial Commission (Petitioner)
- 29-Mar-2023 FILED: Letter, 03/29/2023, to Petitioner from Court Re: filing fee or enclosed Application for Deferral of Fees due on/before 04/10/2023, or petition will be subject to dismissal
- 30-Mar-2023 FILED: Notice of Appearance; Certificate of Service to Notice of Appearance (Respondent Employer/Carrier)

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4. 30-Mar-2023 FILED: First Amended Petition for Special Action -- Industrial Commission; Certificate of Service for First Amended Petition for Special Action -- Industrial Commission (Petitioner)
5. 31-Mar-2023 FILED: Writ of Review
FILED: Certificate of Mailing re: Writ of Review
6. 3-Apr-2023 RECEIPT No.: 2023-00321 ; \$280.00, Authorization: #93014223453, Applied to: THOMAS CRAIG - Class A Filing Fee (\$280.00) Paid for: Ahwatukee Legal Office PC - By nCourt LLC
7. 5-Apr-2023 RECEIPT No.: 2023-00328 ; \$140.00, Authorization: #95012043242, Applied to: CITY OF PHOENIX/CITY OF PHOENIX - Overpayment Class B (\$140.00) Paid for: Lundmark Barberich La Mont & Slavin PC - By nCourt LLC (Memo: overpayment - refund needed)
8. 14-Apr-2023 FILED: e-Record on Appeal:
ALJ Hearing File (1 volume)
Claims File (1 volume)
9. 14-Apr-2023 FILED: Notice of Appearance; Certificate of Service: Notice of Appearance (Respondent ICA)
10. 20-Apr-2023 FILED: Letter dated 04/20/2023 to Todd Lundmark, Lundmark Barberich La Mont & Slavin, P.C., from Court re: enclosing check # 113173 in the amount of \$140.00 for refund of monies submitted in error
11. 10-May-2023 FILED: Motion for Procedural Order Extending Filing Date for Opening Brief; Certificate of Service for Motion for Procedural Order Extending Filing Date for Opening Brief (Petitioner)
12. 10-May-2023 ORDERED: Motion for Procedural Order Extending Filing Date for Opening Brief (Petitioner) = GRANTED. Due date EXTENDED from Monday, 05-15-2023 to Wednesday, 06-14-2023. Barbara Vidal Vaught ProTem Judge - Author
13. 14-Jun-2023 FILED: Opening Brief; Certificate of Compliance for Opening Brief; Certificate of Service for Opening Brief (Petitioner)
14. 14-Jul-2023 FILED: Motion for Procedural Order Extending Filing Date for Answering Brief; Certificate of Service Motion for Procedural Order Extending Filing Date for Answering Brief (Respondent City of Phoenix)
15. 17-Jul-2023 ORDERED: Motion for Procedural Order Extending Filing Date for Answering Brief (Respondent City of Phoenix) = GRANTED. Due date EXTENDED from Monday, 07-24-2023 to Wednesday, 08-23-2023. Barbara Vidal Vaught ProTem Judge - Author
16. 21-Aug-2023 FILED: Answering Brief Of Respondent City Of Phoenix; Certificate of Compliance; Certificate of Service (Respondent Employer/Carrier)
17. 11-Sep-2023 FILED: Reply Brief; Certificate of Compliance for Reply Brief; Certificate of Service for Reply Brief (Petitioner)
18. 14-Sep-2023 FILED: Request for Oral Argument; Certificate of Service (Respondent Employer/Carrier)
19. 22-Sep-2023 ORDERED: Request for Oral Argument (Respondent Employer/Carrier) = GRANTED. Hon David B Gass - Author
20. 13-Oct-2023 FILED: Notice of Substitution of Counsel; Certificate of Service: Notice of Substitution of Counsel (Respondent ICA)
21. 25-Oct-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 12-13-23, 11:00 am, CONFERENCE ROOM.
22. 30-Oct-2023 FILED: Notice of Oral Argument
23. 1-Nov-2023 FILED: Return Receipt Re Oral Argument, signed by David Lundmark, on 10/30/23 (Respondent Employer/Carrier)
24. 2-Nov-2023 FILED: Return Receipt Re Oral Argument, signed by David Abney, on 10/30/23 (Petitioner)
25. 12-Dec-2023 FILED: Amended Notice of Oral Argument
26. 12-Dec-2023 FILED: Return Receipt for Notice of Oral Argument (Petitioner)
27. 13-Dec-2023 FILED: Sign-in Sheet/Case is Under Advisement as of 12/13/2023
28. 21-Dec-2023 FILED: Return Receipt - Oral Argument (Respondent Employer/Carrier)
29. 9-Jan-2024 MEMORANDUM DECISION (Award Set Aside) Hon Paul J McMurdie - Author; Hon D Steven Williams - Concur; Hon Samuel A Thumma - Concur
30. 9-Jan-2024 FILED: Decision Distribution Notification
31. 7-Feb-2024 FILED: ASC Order extending the time to file a Petition for Review to 3/19/24

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- 32. 18-Mar-2024 FILED: Email Notice from ASC re: Petition for Review filed 03/18/2024; request for partial record
- 33. 19-Mar-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
- 34. 2-Aug-2024 FILED: Letter from ASC, 8/2/24, re: Petition for Review CONTINUED