

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

**1 CA-IC 23-0008**

**SMITH v. TURF PARADISE/AMERICAN**

**Appellate Case Information**

Case Filed: 8-Jun-2023  
Case Closed:

**Dept/Composition**

**Department A**  
Hon. Angela K Paton  
Hon. Michael S Catlett  
Hon. James B Morse

**Side 1. DAVID SMITH, Petitioner**

(Litigant Group) DAVID SMITH

- David Smith, Petitioner Employee PRO SE

**Side 2. THE INDUSTRIAL COMMISSION OF ARIZONA,**

Respondent,

TURF PARADISE,

Respondent Employer,

AMERICAN LIBERTY INSURANCE CO,

Respondent Carrier.

, Respondent

(Litigant Group) ICA

- Industrial Commission of Arizona **Attorneys for: Respondent ICA**  
Afshan Peimani, Esq. (AZ Bar No. 26156)

(Litigant Group) TURF PARADISE/AMERICAN LIBERTY INSURANCE CO

- Turf Paradise Race Track, Respondent Employer **Attorneys for: Respondent Employer/Carrier**  
K Casey Kurth, Esq. (AZ Bar No. 11572)
- American Liberty Insurance Company, Respondent Insurance Carrier

**CASE STATUS**

Jul 19, 2024.....Pending in ASC

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
ICA 20200740001			Colleen Marmor, Administrative Law Judge		
↳ INSCA 7058370			Comments: (none)		

**DESCENDENT CASE (S)**

ASC CV-24-0132-PR

**CASE DECISION**

**23-May-2024 MEMORANDUM DECISION**

James Morse.....Author  
Angela Paton.....Concur  
Michael Catlett.....Concur

Filed: **23-May-2024** Mandate:

Decision Disposition
<b>Affirmed</b>

**33 PROCEEDING ENTRIES**

- 8-Jun-2023 FILED: Petition for Special Action - Industrial Commission
- 8-Jun-2023 RECEIPT No.: 2023-00506 ; \$280.00, Authorization: #19-463162277, Applied to: DAVID SMITH - Class A Filing Fee (\$280.00)  
Paid for: - By DAVID SMITH
- 13-Jun-2023 FILED: Writ of Review  
FILED: Certificate of Mailing re: Writ of Review
- 22-Jun-2023 FILED: Notice of Appearance; Certificate of Service: Notice of Appearance (Respondent ICA)

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5. 22-Jun-2023 FILED: e-Record on Appeal: ALJ Hearing File (1 volume)  
Claims File (1 volume)
6. 26-Jun-2023 FILED: Notice of Appearance; Certificate of Service for Respondents' Notice of Appearance (Respondent Employer/Carrier)
7. 30-Jun-2023 RECEIPT No.: 2023-00579 ; \$140.00, Authorization: # 81003563273, Applied to: TURF PARADISE/AMERICAN LIBERTY INSURANCE CO - Class B Filing Fee (\$140.00) Paid for: Jardine Baker Hickman & Houston PLLC - By nCourt LLC
8. 30-Jun-2023 FILED: Letter, 6/30/23, from Court to Petitioner, returning documents received 6/28/23
9. 26-Jul-2023 FILED: (Untitled) Opening Brief (Petitioner Pro Per)  
(Striken Per Order Filed 7/27/23)
10. 28-Jul-2023 ORDERED: Striking the opening brief filed 7/26/23. FURTHER ORDERED: Granting petition until 8/28/23 to file a brief that complies with ARCAP. If the brief is not timely filed, the court will dismiss this special action. Melina Brill ProTem Judge - Author
11. 28-Aug-2023 FILED: Motion for Extension of Time to File Brief (Opening) (Petitioner Pro Per)
12. 28-Aug-2023 FILED: Request to Participate in Pro Bono Program (Petitioner Pro Per)
13. 29-Aug-2023 ORDERED: Request to Participate in Pro Bono Program (Petitioner Pro Per) = DENIED. FURTHER ORDERED: Motion for Extension of Time to File Brief (Opening) (Petitioner Pro Per) = GRANTED. Due date EXTENDED from Monday, 08-28-2023 to Wednesday, 09-27-2023. Barbara Vidal Vaught ProTem Judge - Author
14. 19-Sep-2023 FILED: General (Request for Clarification) (Petitioner Pro Per)
15. 19-Sep-2023 ORDERED: General (Request for Clarification) (Petitioner Pro Per) = DENIED. Hon David B Gass - Author
16. 29-Sep-2023 FILED: Appellants [sic] Opening Brief (Petitioner Pro Per)
17. 11-Oct-2023 ORDERED: Petitioner must file certificates of compliance and service by 10/20/23. Barbara Vidal Vaught ProTem Judge - Author
18. 13-Oct-2023 FILED: Notice of Substitution of Counsel; Certificate of Service: Notice of Substitution of Counsel (Respondent ICA)
19. 23-Oct-2023 FILED: Certificate of Service; Certificate of Compliance
20. 6-Nov-2023 FILED: Motion for Extension of Time to File Answering Brief [sic]; Certificate of Service for Respondents' Notice of Appearance (for Motion for Extension of Time) (Respondent Employer/Carrier)
21. 6-Nov-2023 ORDERED: Motion for Extension of Time to File Answering Brief [sic] = DENIED. Barbara Vidal Vaught ProTem Judge - Author
22. 9-Nov-2023 FILED: Amended Motion for Extension of Time to File Answering [sic] Brief; Amended Certificate of Service for Respondents' Notice of Appearance (Respondent Employer/Carrier)
23. 9-Nov-2023 ORDERED: Amended Motion for Extension of Time to File Answering [sic] Brief = GRANTED. Due date EXTENDED from Monday, 11-13-2023 to Wednesday, 12-13-2023 Barbara Vidal Vaught ProTem Judge - Author
24. 13-Dec-2023 FILED: Answering Brief of Respondent Employer and Respondent Carrier; Certificate of Compliance; Certificate of Service for Respondents' Answering Brief (Respondent Employer/Carrier)
25. 29-Dec-2023 FILED: Motion for Extension of Time to File Brief (Reply) (Petitioner Pro Per)
26. 29-Dec-2023 ORDERED: Motion for Extension of Time to File Brief (Reply) (Petitioner Pro Per) = GRANTED. Due date EXTENDED from Tuesday, 01-02-2024 to Tuesday, 01-09-2024. Barbara Vidal Vaught ProTem Judge - Author
27. 8-Jan-2024 FILED: Appellants Reply Brief (Petitioner Pro Per)
28. 26-Feb-2024 CLNDR: CONFERENCE, Department A, 4-16-24, CONFERENCE ROOM.
29. 23-May-2024 MEMORANDUM DECISION (Affirmed) Hon James B Morse Jr. - Author; Hon Angela K Paton - Concur; Hon Michael S Catlett - Concur
30. 23-May-2024 FILED: Decision Distribution Notification
31. 25-Jun-2024 FILED: ASC Order re: Petition for Review; Petitioner shall pay required filing fee or submit completed application for Fee Deferra/Waiver on or before 7/10/24.

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- 32. 19-Jul-2024 FILED: Email Notice from ASC re: Petition for Review filed 06/24/24; request for partial record
- 33. 19-Jul-2024 FILED: Letter forwarding partial record to Arizona Supreme Court