

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

1 CA-IC 23-0030

WHITE v. BH AUTOMOTIVE/BH AUTOMOTIVE

Appellate Case Information

Case Filed: 14-Nov-2023
Case Closed: 3-Sep-2024

Decision

Dept/Composition

Department F
Hon. Daniel J Kiley
Hon. Kent E Cattani
Hon. D Steven Williams

Side 1. MATTHEW WHITE, Petitioner

(Litigant Group) MATTHEW WHITE

- Matthew White, Petitioner Employee PRO SE

Side 2. THE INDUSTRIAL COMMISSION OF ARIZONA,

Respondent,

BH AUTOMOTIVE,

Respondent Employer,

BH AUTOMOTIVE,

Respondent Carrier.

, Respondent

(Litigant Group) ICA

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

(Litigant Group) BH AUTOMOTIVE/BH AUTOMOTIVE

- BH Automotive, Respondent Employer, Respondent Insurance Carrier **Attorneys for: Respondent Employer/Carrier**
Stephen C Baker, Esq. (AZ Bar No. 9010)

CASE STATUS

Sep 3, 2024.....Case Closed

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
ICA 20220900030					

CASE DECISION

25-Jul-2024 **MEMORANDUM DECISION**

Daniel Kiley.....Author
Kent Cattani.....Concur
D Williams.....Concur

Filed: 25-Jul-2024 Mandate: 03-Sep-2024

Decision Disposition
Award Affirmed

38 PROCEEDING ENTRIES

- 14-Nov-2023 FILED: Motion to Accelerate or Expedite; Decision Upon Review; Certificate of service; Appeal docs (Petitioner Pro Per)
(STRIKEN PER ORDER FILED 11/16/2023)
- 14-Nov-2023 FILED: Petition for Special Action; Certificate of Service; Appeal Docs (Petitioner Pro Per)
- 14-Nov-2023 FILED: Motion to Stay; Decision Upon Review; Certification of Service (Petitioner Pro Per)
(STRIKEN PER ORDER FILED 11/16/2023)
- 14-Nov-2023 FILED: My Appeal to Appeals Court; Certificate of Service; Appeal Docs (Petitioner Pro Per)
- 16-Nov-2023 ORDERED: Motion to Stay (Petitioner) = STRIKING; Motion to Accelerate or Expedite (Petitioner) = STRIKING. Melina Brill ProTem Judge - Author
- 20-Nov-2023 RECEIPT No.: 2023-01084 ; \$280.00, Authorization: #24013623230, Applied to: MATTHEW WHITE - Class A Filing Fee (\$280.00) Paid for: MIRIAM GUIDO - By nCourt LLC

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7.	28-Nov-2023	FILED: Writ of Review FILED: Certificate of Mailing re: Writ of Review
8.	29-Nov-2023	FILED: (Untitled) Opening Brief; Certificate of Compliance; Certificate of Service; (Untitled) Appendix (Petitioner Pro Se)
9.	29-Nov-2023	FILED: Notice of Appearance of Respondents BH Automotive and BH Automotive C/O Gallagher Bassett; Certificate of Service (Respondent Employer/Carrier)
10.	1-Dec-2023	FILED: Notice of Appearance; Certificate of Service: Notice of Appearance (Respondent ICA)
11.	1-Dec-2023	FILED: e-Record on Appeal: ALJ Hearing File (1 volume) Claims File (1 volume)
12.	5-Dec-2023	RECEIPT No.: 2023-01136 ; \$140.00, Authorization: # 39013482934, Applied to: BH AUTOMOTIVE/BH AUTOMOTIVE - Class B Filing Fee (\$140.00) Paid for: Jardine Baker Hickman & Houston PLLC - By nCourt LLC
13.	8-Jan-2024	FILED: Answering Brief; Certificate of Compliance for Answering Brief; Certificate of Service for Answering Brief (Respondent Employer/Carrier)
14.	19-Mar-2024	FILED: Untitled (Motion for Oral Argument); Untitled (Certificate of Service) (Petitioner Pro Per)
15.	19-Mar-2024	FILED: Exhibit Final Report (to Untitled (Motion for Oral Argument)) (STRIKEN PER ORDER FILED 4/17/24); Untitled (Certificate of Service) (Petitioner Pro Per)
16.	20-Mar-2024	FILED: Response in Opposition to Letter Request for Oral Argument; Certificate of Service for Response in Opposition to Letter Request for Oral Argument (Respondent Employer/Carrier)
17.	20-Mar-2024	FILED: Motion to Strike Final Report of Timothy Bert MD; Certificate of Service for Motion to Strike Final Report of Timothy Bert, MD (Respondent Employer/Carrier)
18.	21-Mar-2024	FILED: Ex Parte Notice re Threatening Emails; Ex Parte Notice re Threatening Emails (Respondent Employer/Carrier) (Sealed Per Order Filed 3/22/24)
19.	22-Mar-2024	ORDERED: Sealing the notice filed 03/21/2024. Hon David B Gass - Author
20.	26-Mar-2024	CLNDR: CONFERENCE, Department F, 5-23-24, COURTROOM 1.
21.	27-Mar-2024	ORDERED: Untitled (Motion for Oral Argument) (Appellant Pro Per) 03/20 - Response in Opposition to Letter Request for Oral Argument (Respondent Employer/Carrier) = DENIED. Hon David B Gass - Author
22.	17-Apr-2024	ORDERED: Motion to Strike Final Report of Timothy Bert MD (Respondent Employer/Carrier) = GRANTED. The Court will not consider this filing in resolving this appeal. Hon Daniel J Kiley - Author
23.	19-Apr-2024	FILED: RE: Request for Application of Federal Rule of Evidence 201- Case No. IC-23-0030; Certificate of Service (Appellant Pro Per)
24.	23-Apr-2024	FILED: Re: Request for Application of Federal Rule of Evidence 201- Case No. IC-23-0030; Certificate of Service; Supporting documents (Appellant Pro Per)
25.	2-May-2024	FILED: Untitled (Motion to Submit Evaluation); Certificate of Service (Petitioner Pro Per)
26.	6-May-2024	FILED: Response in Opposition to Rule 401 Letter Request; Certificate of Service for Response in Opposition to Rule 401 Letter Request (Respondent Employer/Carrier)
27.	7-May-2024	FILED: Re: Response In Opposition To Rule 401 Letter Request; Certification of Service; (Untitled) Exhibit (Petitioner Pro Per)
28.	9-May-2024	ORDERED: vacating conference in this case scheduled for 5/23/24. FURTHER ORDERED: resetting conference in this matter for 6/13/24. Hon David B Gass - Author
29.	4-Jun-2024	ORDERED: Vacating conference currently set for 06/13/2024, and resetting conference in this matter for 06/24/2024. Hon Daniel J Kiley - Author
30.	18-Jun-2024	FILED: Request for Extension Due to Delay in Receiving Social Security Documentation; Untitled (Certificate of Service); Untitled (Email Correspondence) (Appellant Pro Per)
31.	25-Jun-2024	FILED: Response in Opposition to Request for Extension due to Delay Receiving Social Security Documentation; Certificate of Service for Response to Request for Extension Due to Delay in Receiving Social Security Documentation (Respondent)
32.	25-Jun-2024	FILED: Response to Opposition and Appeal for Workers' Compensation and Social Security Disability Benefits (Reply); Untitled (Certificate of Service) (Appellant Pro Per)

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33. 25-Jun-2024 FILED: Request for Time to Obtain Functional Capacity Evaluation (FCE) Results; Untitled (Certificate of Service); Untitled (Appendix) (Appellant Pro Per)
34. 26-Jun-2024 FILED: Response in Opposition to June 25, 2024 Request for Time to Obtain Functional Capacity Evaluation (FCE) Results; Certificate of Service for Response in Opposition to June 25, 2024 Request for Time to Obtain Functional Capacity Evaluation (FCE) Results (Respondent Employer/Carrier)
35. 24-Jul-2024 ORDER: Request for Application of Federal Rule of Evidence 201- Case No. IC-23-0030 (Appellant Pro Per) = DENIED. FURTHER ORDERED: Re: Request for Application of Federal Rule of Evidence 201- Case No. (with supporting documents) (Appellant Pro Per = DENIED. FURTHER ORDERED: Untitled (Motion to Submit Evaluation) (Petitioner Pro Per) = DENIED. FURTHER ORDERED: Request for Extension Due to Delay in Receiving Social Security Documentation (Appellant Pro Per) = DENIED. FURTHER ORDERED: Request for Time to Obtain Functional Capacity Evaluation (FCE) Results (Appellant Pro Per) = DENIED. Hon Kent E Cattani - Author
36. 25-Jul-2024 FILED: Decision Distribution Notification
37. 25-Jul-2024 MEMORANDUM DECISION (Award Affirmed) Hon Daniel J Kiley - Author; Hon Kent E Cattani - Concur; Hon D Steven Williams - Concur
38. 3-Sep-2024 FILED: Mandate, No physical record to be returned to clerk, Industrial Commission of Arizona