

**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:

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

Jul 25, 2024.....Decision Rendered

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

OPEN DUE DATE

Petition for Review to ASC due **Due By:** Monday, August 26, 2024

Re: MEMORANDUM DECISION (Award Affirmed) Hon Daniel J Kiley - Author; Hon Kent E Cattani - Concur; Hon D Steven Williams - Concur

CASE DECISION

25-Jul-2024 MEMORANDUM DECISION

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

Filed: 25-Jul-2024 Mandate:

Decision Disposition
Award Affirmed

37 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)

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5. 16-Nov-2023 ORDERED: Motion to Stay (Petitioner) = STRIKING; Motion to Accelerate or Expedite (Petitioner) = STRIKING. Melina Brill ProTem Judge - Author
6. 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
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)

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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)
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