

Court of Appeals, Division One

Civil Appeal

1 CA-CV 21-0754

PREMIER CONSULTING, et al. v. PEACE RELEAF, et al.

Appellate Case Information

Case Filed: 22-Dec-2021

Case Closed:

Dept/Composition

Department A

Hon. Maria Elena Cruz
Hon. Angela K Paton
Hon. Kent E Cattani

Side 1. PREMIER CONSULTING AND MANAGEMENT SOLUTIONS, LLC, et al., Plaintiff/Appellant/Cross-Appellee

(Litigant Group) PREMIER CONSULTING AND MANAGEMENT SOLUTIONS, LLC, et al.

- Premier Consulting and Management Solutions LLC
JJSM Real Estate Fund LLC
JJSM Real Estate Investment Fund LLC

Attorney for: Plaintiff/Appellant-Cross Appellee

Timothy J Berg, Esq. (AZ Bar No. 4170)

Side 2. PEACE RELEAF CENTER I, et al., Defendant/Appellee/Cross-Appellant

(Litigant Group) PEACE RELEAF CENTER I, et al.

- Peace Releaf Center I
Patient Alternative Relief Center
Yurikino Cenit Downing

Attorneys for: Defendant/Appellee-Cross Appellant

Eric M Fraser, Esq. (AZ Bar No. 27241)

CASE STATUS

Mar 6, 2024.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2017-009033, Declaratory Judgment, James D Smith, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-24-0050-PR

CASE DECISION

05-Feb-2024 OPINION

Maria Cruz.....Author
Angela Paton.....Concur
Kent Cattani.....Concur

Filed: 05-Feb-2024

Mandate:

Decision Disposition

Affirmed in Part
Vacated in Part
Remanded

92 PROCEEDING ENTRIES

- 1. 22-Dec-2021 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/24/21
2. 22-Dec-2021 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None sent with e-Record
3. 22-Dec-2021 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 22-Dec-2021 FILED: Additional Record on Appeal: Exhibits: Hearing Date 7/14/2017 - List# 1 2 in Manila Envelope; Hearing Date 10/26/2017 - List # 1 2 3 4 5 6 7 9 17 18 in Manila Envelope; Hearing Date 04/23/2018 - List # 1 2 4 5 6 7 17 18 19 20 21 22 23 25 26 29 30 31 32 34 35 36 in Manila Envelope; Hearing Date 10/12/2020 - List # 12 23 24 25 26 27 28 29 30 32 33 35 37 39 45 46 47 48 50 51 53 54 55 56 57 58 59 60 61 62 63 64 76 91 95 96 160 262 264 265 277 283 284 285 286 287 291 294 295 296 297 314 315 316 324 325 326 in a box; Hearing Date 06/17/2021 - List # 1 2 4 5 6 7 8 9 10 11 in Manila Envelope
5. 22-Dec-2021 FILED: Notice of Payment of Appellant Filing Fee; Certificate of Service (Appellant)
6. 23-Dec-2021 FILED: Amended Appellate Clerk Notice re: Each Appellant's Fee Due/Each Case Management Statement/Each Appellant's Brief Due

Court of Appeals, Division One**Civil Appeal****1 CA-CV 21-0754****PREMIER CONSULTING, et al. v. PEACE RELEAF, et al.****92 PROCEEDING ENTRIES**

7. 29-Dec-2021 RECEIPT No.: 2021-01394 ; \$280.00, Authorization: #62027850232, Applied to: PREMIER CONSULTING AND MANAGEMENT SOLUTIONS, LLC, - Class A Filing Fee (\$280.00) Paid for: Fennemore Craig PC - By nCourt LLC
8. 4-Jan-2022 FILED: Notice of Filing of Transcript; Certificate of Service; Reporter's Transcript - 08/06/2021 - Oral Argument (Andres E Anaya) (Appellant)
9. 5-Jan-2022 FILED: Notice of Errata; Certificate of Service (Appellant)
10. 5-Jan-2022 FILED: Motion to Withdraw as Co-Counsel for Defendants/Appellees/Cross-Appellants; Certificate of Service (Appellee/Appellant Peace)
11. 6-Jan-2022 FILED: Joint Motion to Designate Later-Filed Appeal as Cross-Appeal; Certificate of Service (Appellee/Appellant Peace)
12. 7-Jan-2022 ORDERED: Motion to Withdraw as Co-Counsel for Defendants/Appellees/Cross-Appellants (Appellee/Appellant Peace) = DENIED in its present form. FURTHER ORDERED: Joint Motion to Designate Later-Filed Appeal as Cross-Appeal = GRANTED and designating Defendants' appeal as a cross-appeal. FURTHER ORDERED: Amending caption and docket in this appeal by adding the designations of "cross-appellants" and "cross-appellees." Caption shown on this order shall be used on all future documents filed in this appeal. FURTHER ORDERED: Case management statement due 01/12/2022. FURTHER ORDERED: Cross-appeal case management statement due 01/21/2022. FURTHER ORDERED: Opening brief due 02/22/2022. Melina Brill ProTem Judge - Author
13. 11-Jan-2022 RECEIPT No.: 2022-00042 ; \$280.00, Authorization: #11007583523, Applied to: PEACE RELEAF CENTER I, et al. - Class A Filing Fee (\$280.00) Paid for: Osborn Maledon PA - By nCourt LLC
14. 11-Jan-2022 FILED: Second Motion to Withdraw as Co-Counsel for Defendants/Appellees/Cross-Appellants; Certificate of Service (Appellee/Cross-Appellant)
15. 12-Jan-2022 FILED: Case Management Statement; Untitled (Attachment to Case Management Statement) (Appellant/Cross-Appellee)
16. 13-Jan-2022 ORDERED: Second Motion to Withdraw as Co-Counsel for Defendants/Appellees/Cross-Appellants (Appellee/Cross-Appellant) = GRANTED. Melina Brill ProTem Judge - Author
17. 13-Jan-2022 FILED: Notice of Filing Transcript; Certificate of Service; Reporter's Transcript - 02/25/2021 - Virtual Oral Argument (Michele Kaley) (Appellant/Cross-Appellee)
18. 13-Jan-2022 FILED: Reporter's Transcript - 10/21/2020 - Trial (Day 5) (Luz Franco)
19. 13-Jan-2022 FILED: Reporter's Transcript - 10/22/2020 - Trial (Day 6) (Luz Franco)
20. 13-Jan-2022 FILED: Reporter's Transcript - 10/26/2020 - Trial (Day 7) (Luz Franco)
21. 13-Jan-2022 FILED: Reporter's Transcript - 10/14/2020 - Trial (Day 1) (Luz Franco)
22. 13-Jan-2022 FILED: Reporter's Transcript - 10/15/2020 - Trial (Day 2) (Luz Franco)
23. 13-Jan-2022 FILED: Reporter's Transcript - 10/19/2020 - Trial (Day 3) (Luz Franco)
24. 13-Jan-2022 FILED: Reporter's Transcript - 10/20/2020 - Trial (Day 4) (Luz Franco)
25. 16-Jan-2022 FILED: Reporter's Transcript - 10/22/2020 - Trial - AM Session (Michele Kaley)
26. 16-Jan-2022 FILED: Reporter's Transcript - 10/26/2020 - Trial - AM Session (Michele Kaley)
27. 16-Jan-2022 FILED: Reporter's Transcript - 10/23/2020 - Oral Argument (Michele Kaley)
28. 16-Jan-2022 FILED: Reporter's Transcript - 02/25/2021 - Virtual Oral Argument (Michele Kaley)
[Stricken per order filed on 01/18/2022]
29. 16-Jan-2022 FILED: Reporter's Transcript - 10/15/2020 - Trial - AM Session (Michele Kaley)
30. 16-Jan-2022 FILED: Reporter's Transcript - 10/19/2020 - Trial - PM Session (Michele Kaley)
31. 16-Jan-2022 FILED: Reporter's Transcript - 10/20/2020 - Trial - PM Session (Michele Kaley)
32. 16-Jan-2022 FILED: Reporter's Transcript - 10/21/2020 - Trial - AM Session (Michele Kaley)
33. 18-Jan-2022 ORDERED: Striking 02/25/2021 transcript. Melina Brill ProTem Judge - Author
34. 21-Jan-2022 FILED: Case Management Statement (Appellee/Cross-Appellant)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 21-0754****PREMIER CONSULTING, et al. v. PEACE RELEAF, et al.****92 PROCEEDING ENTRIES**

35. 14-Feb-2022 FILED: Motion to Withdraw as Counsel of Record for Plaintiffs and Counterdefendants Premier Consulting and Management Solutions, LLC, JJSM Real Estate Fund, LLC and JJSM Equipment Fund, LLC, with Client Consent; Certificate of Service (Appellant/Cross-Appellee)
36. 17-Feb-2022 FILED: Notice of Filing Transcripts; Certificate of Service (Appellee/Cross-Appellant)
37. 17-Feb-2022 FILED: Reporter's Transcript - 09/25/2020 - Final Trial Management Conference (Ashlee Mangum) (Appellee/Cross-Appellant)
38. 17-Feb-2022 FILED: Reporter's Transcript - 10/13/2020 - Oral Argument (Nicole Ferguson) (Appellee/Cross-Appellant)
39. 17-Feb-2022 FILED: Reporter's Transcript - 10/23/2020 - Oral Argument (Michele Kaley) (Appellee/Cross-Appellant)
40. 18-Feb-2022 ORDERED: Motion to Withdraw as Counsel of Record for Plaintiffs and Counterdefendants Premier Consulting and Management Solutions, LLC, JJSM Real Estate Fund, LLC and JJSM Equipment Fund, LLC, with Client Consent (Appellant/Cross-Appellee) = GRANTED. Melina Brill ProTem Judge - Author
41. 22-Feb-2022 FILED: Appellants' Combined Opening Brief and Appendix; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
42. 23-Mar-2022 FILED: Unopposed Motion for Procedural Order Extending Time to File Answering/Cross-Opening Brief; Certificate of Service (Appellee/Cross-Appellant)
43. 24-Mar-2022 ORDERED: Unopposed Motion for Procedural Order Extending Time to File Answering/Cross-Opening Brief (Appellee/Cross-Appellant) = GRANTED. Due date EXTENDED from Monday, 04-04-2022 to Wednesday, 05-04-2022. If brief is not timely filed, court will submit appeal for decision on the record and opening brief. Melina Brill ProTem Judge - Author
44. 19-Apr-2022 FILED: Unopposed Motion for Procedural Order Extending Time to File Answering/Cross-Opening Brief; Certificate of Service (Appellee/Cross-Appellant)
45. 20-Apr-2022 ORDERED: Unopposed Motion for Procedural Order Extending Time to File Answering/Cross-Opening Brief (Appellee/Cross-Appellant) = GRANTED. Due date EXTENDED from Wednesday, 05-04-2022 to Wednesday, 05-18-2022. If brief is not timely filed, court will submit appeal for decision on the record and opening brief. Melina Brill ProTem Judge - Author
46. 3-May-2022 FILED: Reporter's Transcript - 10/21/2020 - Trial-PM Session - (Michele Kaley) (Appellee)
47. 3-May-2022 FILED: Reporter's Transcript - 10/21/2020 - Trial (Day 5) - (Luz Franco) (Appellee)
48. 3-May-2022 FILED: Reporter's Transcript - 10/22/2020 - Trial - AM Session - (Michele Kaley) (Appellee)
49. 3-May-2022 FILED: Reporter's Transcript - 10/22/2020 - Trial (Day 6) - (Luz Franco) (Appellee)
50. 3-May-2022 FILED: Reporter's Transcript - 10/19/2020 - Trial (Day 3) - (Luz Franco) (Appellee)
51. 3-May-2022 FILED: Reporter's Transcript - 10/19/2020 - Trial - PM Session - (Michele Kaley) (Appellee)
52. 3-May-2022 FILED: Reporter's Transcript - 10/20/2020 - Trial (Day 4) - (Luz Franco) (Appellee)
53. 3-May-2022 FILED: Reporter's Transcript - 10/20/2020 - Trial - PM Session - (Michele Kaley) (Appellee)
54. 3-May-2022 FILED: Notice of Filing Additional Transcripts; Certificate of Service (Appellee/Cross-Appellant)
55. 3-May-2022 FILED: Transcript: Reporter's Transcript - 10/14/2020 - Trial (Day 1) - (Luz Franco) (Appellee)
56. 3-May-2022 FILED: Reporter's Transcript - 10/15/2020 - Trial - AM Session- (Michele Kaley) (Appellee)
57. 3-May-2022 FILED: Reporter's Transcript - 10/15/2020 - Trial (Day 2) - (Luz Franco) (Appellee)
58. 3-May-2022 FILED: Reporter's Transcript - 10/26/2020 - Trial - AM Session - (Michele Kaley) (Appellee)
59. 3-May-2022 FILED: Reporter's Transcript - 10/27/2020 - Trial (Day 7) - (Luz Franco) (Appellee)
60. 4-May-2022 FILED: Notice of Filing Transcript; Reporter's Transcript - 02/25/2021 - Virtual Oral Argument (Michele Kaley); Certificate of Service (Appellant/Cross-Appellee)
61. 5-May-2022 FILED: Unopposed Motion for Procedural Order Regarding Re-Allocation of Words Between Appeal and Cross-Appeal Briefs; Certificate of Service (Appellee/Cross-Appellant)
62. 9-May-2022 ORDERED: Unopposed Motion for Procedural Order Regarding Re-Allocation of Words Between Appeal and Cross-Appeal Briefs (Appellee/Cross-Appellant) = GRANTED and allowing appellees/cross-appellants to file answering brief/cross-appeal opening brief with reallocated word limitation. Melina Brill ProTem Judge - Author

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63.	18-May-2022	FILED: Defendants/Appellees/Cross-Appellants' Combined Answering/Cross-Opening Brief and Appendix; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
64.	18-May-2022	FILED: Notice of Appearance; Certificate of Service (Appellee/Cross-Appellant)
65.	18-May-2022	FILED: Request for Oral Argument; Certificate of Service (Appellee/Cross-Appellant)
66.	6-Jun-2022	FILED: Unopposed Motion for Procedural Order Extending Time to File Reply/Answering Brief on Cross-Appeal; Certificate of Service (Appellant/Cross-Appellee)
67.	7-Jun-2022	ORDERED: Unopposed Motion for Procedural Order Extending Time to File Reply/Answering Brief on Cross-Appeal (Appellant/Cross-Appellee) = GRANTED. Due date EXTENDED from Monday, 06-27-2022 to Monday, 08-01-2022. If brief is not timely filed, court will submit appeal for decision on the record and filed briefs. Melina Brill ProTem Judge - Author
68.	1-Aug-2022	FILED: Appellants' Combined Reply Brief and Answering Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellant/Cross-Appellee)
69.	10-Aug-2022	FILED: Unopposed Motion for Procedural Order Extending Time to File Cross-Reply Brief; Certificate of Service (Appellee/Cross-Appellant)
70.	10-Aug-2022	ORDERED: Unopposed Motion for Procedural Order Extending Time to File Cross-Reply Brief (Appellee/Cross-Appellant) = GRANTED. Due date EXTENDED from Monday, 08-22-2022 to Monday, 09-12-2022. If brief is not timely filed, court will submit appeal for decision on the record and filed briefs. Melina Brill ProTem Judge - Author
71.	12-Sep-2022	FILED: Defendants/Appellees/Cross-Appellants' Cross-Reply Brief and Appendix; Certificate of Compliance; Certificate of Service (Appellee/Cross-Appellant)
72.	4-Oct-2022	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
73.	4-Oct-2022	ORDERED: Request for Oral Argument (Appellee/Cross-Appellant) = GRANTED. Hon Kent E Cattani - Author
74.	14-Oct-2022	FILED: Supplemented Superior Court e-Record with Revised Index of Record
75.	25-Oct-2022	CLNDR: MONTHLY COURT CASE CALENDAR, Department A, 12-13-22, 11:00 am, COURTROOM 1.
76.	28-Oct-2022	FILED: Notice of Oral Argument
77.	28-Oct-2022	ORDERED: Vacating the conference and oral argument initially scheduled for Tuesday, 12/13/2022, at 11:00 a.m. and rescheduling the conference and oral argument for Tuesday, 01/10/2023, at 9:30 a.m. before Department A. Hon Maria Elena Cruz - Author
78.	31-Oct-2022	FILED: Return Receipt for Notice of Oral Argument, signed by Timothy Berg on 10/28/2022 (Appellant/Cross-Appellee)
79.	21-Nov-2022	FILED: Memorandum: Judge Cattani for Judge Swann (Chief Judge Cattani)
80.	29-Nov-2022	FILED: Notice of Oral Argument
81.	29-Nov-2022	FILED: Return Receipt for Notice of Oral Argument, signed by Timothy Berg on 11/29/2022 (Appellant/Cross-Appellee)
82.	29-Nov-2022	FILED: Memorandum: Judge Cattani for Judge Swann (Chief Judge Cattani)
83.	28-Dec-2022	FILED: Return Receipt for Notice of Oral Argument, signed by Eric Fraser on 11/29/2022 (Appellee/Cross-Appellant)
84.	10-Jan-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 01/10/2023
85.	2-Mar-2023	FILED: Notice of Withdrawal of Counsel From Within a Firm; Certificate of Service (Appellee)
86.	2-Feb-2024	FILED: Joint Motion Requesting Decision; Certificate of Service (Appellees/Cross Appellants)
87.	5-Feb-2024	OPINION (Affirmed in Part, Vacated in Part, Remanded) Hon Maria Elena Cruz - Author; Hon Angela K Paton - Concur; Hon Kent E Cattani - Concur
88.	5-Feb-2024	FILED: Decision Distribution Notification
89.	6-Feb-2024	ORDERED: Joint Motion Requesting Decision (Appellee/Cross Appellants) = DENIED as moot. Hon Maria Elena Cruz - Author
90.	6-Mar-2024	FILED: Email Notice from ASC re: Petition for Review filed 03/06/2024; request for partial record
91.	6-Mar-2024	FILED: Letter forwarding partial record to Arizona Supreme Court

Court of Appeals, Division One

Civil Appeal

1 CA-CV 21-0754

PREMIER CONSULTING, et al. v. PEACE RELEAF, et al.

92 PROCEEDING ENTRIES

92. 3-Jun-2024 FILED: ASC Order filed 06/03/2204 re: dismissing the Petition for Review in this matter, with each party to bear its own costs and fees.