

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0463

ADVANCE v. C&C, et al.

Appellate Case Information

Case Filed: 28-Jul-2023

Case Closed:

Dept/Composition

Department B

Hon. Andrew M Jacobs
Hon. Jennifer M Perkins
Hon. David D Weinzweig

Side 1. ADVANCE RESTAURANT FINANCE, LLC, Plaintiff/Appellant

(Litigant Group) ADVANCE RESTAURANT FINANCE, LLC

- Advance Restaurant Finance

Attorneys for: Plaintiff/Appellant

Steven J Itkin, Esq. (AZ Bar No. 12201)
Clayton R Kramer, Esq. (AZ Bar No. 34258)

Side 2. C&C RESTAURANT GROUP, et al., Defendant/Appellee

(Litigant Group) C&C RESTAURANT GROUP, et al.

- C&C Restaurant Group
C&C International Group LLC
Kyoto Bowl Restaurant Group Inc
Kyoto Bowl Corp
Kyoto Bowl Investments Inc
Kyoto Bowl Franchise Corp
Kyoto Bowl Foods Corp
Charles Chiu
Christiana Chiu

Attorneys for: Defendants/Appellees

James Portman Webster, Esq. (AZ Bar No. 25006)

CASE STATUS

May 23, 2024...Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2013-094553, Foreign Judgment, Brian Kaiser, Authoring Judge of Order.

2 OPEN DUE DATES

Petition for Review to ASC due Due By: Monday, June 24, 2024

Re: MEMORANDUM DECISION (Reversed, Remanded) Hon Andrew M Jacobs - Author; Hon Jennifer M Perkins - Concur; Hon David D Weinzweig - Concur

Response to Motion due Due By: Tuesday, August 27, 2024

Re: FILED: Request for Issuance of Mandate; Request for Issuance of Mandate (Appellant)

2 PENDING MATTERS

General Motion Filed: 6-Jun-2024
Statement of Costs on Appeal (Appellant)

General Motion Filed: 13-Aug-2024
Request for Issuance of Mandate (Appellant)

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CASE DECISION

23-May-2024 MEMORANDUM DECISION

Andrew Jacobs.....Author
Jennifer Perkins.....Concur
David Weinzweig.....Concur

Filed: 23-May-2024

Mandate:

Table with 1 column: Decision Disposition. Content: Reversed, Remanded

31 PROCEEDING ENTRIES

- 1. 28-Jul-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/30/23
2. 28-Jul-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 28-Jul-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 10-Aug-2023 FILED: Notice of Payment of Appellant's Filing Fee; Notice of Payment of Appellant's Filing Fee (Appellant)
5. 15-Aug-2023 RECEIPT No.: 2023-00760 ; \$280.00, Authorization: #27013997687, Applied to: ADVANCE RESTAURANT FINANCE, LLC - Class A Filing Fee (\$280.00) Paid for: DeConcini McDonald Yetwin & Lacy PC - By nCourt LLC
6. 17-Aug-2023 FILED: Case Management Statement (Appellant)
7. 21-Aug-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
8. 29-Aug-2023 FILED: Notice of Filing of Transcripts; Notice of Filing of Transcripts (Certificate of Service) (Appellant)
9. 29-Aug-2023 FILED: Reporter's Transcript - 05/15/2023 - Hearing on Defendant/Judgment Debtors' Corrected Motion to Set Aside Garnishment Judgment and Request for Hearing (Kimberly McCright) (Appellant)
10. 29-Aug-2023 FILED: Reporter's Transcript - 06/26/2023 - Evidentiary Hearing (Kimberly McCright) (Appellant)
11. 26-Sep-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
12. 14-Nov-2023 FILED: Motion to Consider Appeal at Issue; Certificate of Service (Appellant)
13. 30-Nov-2023 ORDERED: Motion to Consider Appeal at Issue (Appellant) = GRANTED and submitting this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
[Vacated per order filed 12/15/23 - mao]
14. 5-Dec-2023 FILED: Motion for Reconsideration of Order Submitting Appeal Pursuant to Arcap Rule 22, Arcap Rule 4 and Ariz. R. Civ. P. Rule 5; Certificate of Compliance; Certificate of Service (Appellee)
15. 6-Dec-2023 FILED: Response to Motion for Reconsideration of Order Submitting Appeal Pursuant to ARCAP Rule 22, ARCAP Rule 4 and Ariz. R. Civ. P. Rule 5; Order Re: Response; Certificate of Service (Appellant)
16. 6-Dec-2023 ORDERED: Requesting that appellant file a response to the motion (motion for reconsideration of the 11/30/2023 order submitting appeal) by 12/26/2023. FURTHER ORDERED: Appellee may file a reply in accordance with ARCAP 6(a)(2). The court will rule on the motion following expiration of the time for a response and reply. Melina Brill ProTem Judge - Author
17. 6-Dec-2023 FILED: Affidavit of Kimberly Gagliardi in Support of Defendant/Appellees' Motion for Reconsideration of Order Submitting Appeal Pursuant to ARCAP Rule 22, ARCAP Rule 4 and Ariz. R. Civ. P. Rule 5 (Appellee)
18. 13-Dec-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
19. 13-Dec-2023 FILED: Reply to Response to Motion for Reconsideration of Order Submitting Appeal Pursuant to ARCAP Rule 22, ARCAP Rule 4 and Ariz. R. Civ. P. Rule 5; Order Re: Response; Certificate of Service; (Untitled) TurboCourt eService Requests (Appellees)
20. 15-Dec-2023 ORDERED: Motion for Reconsideration of Order Submitting Appeal Pursuant to Arcap Rule 22, Arcap Rule 4 and Ariz. R. Civ. P. Rule 5 (Appellee) = GRANTED and vacating the 11/30/2023 "Order Submitting Appeal." FURTHER ORDERED: The answering brief must be filed by 01/16/2024. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Hon David B Gass - Author
21. 18-Dec-2023 RECEIPT No.: 2023-01180 ; \$140.00, Authorization: #52016026165, Applied to: C&C RESTAURANT GROUP, et al. - Class B Filing Fee (\$140.00) Paid for: James Portman Webster Law Office PLC - By nCourt LLC

**Court of Appeals, Division One**

**Civil Appeal**

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**31 PROCEEDING ENTRIES**

22. 16-Jan-2024 FILED: Answering Brief of Defendant/Appellee; Answering Brief of Defendant/Appellee (Duplicate); Certificate of Service (Appellee)
23. 5-Feb-2024 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
24. 28-Feb-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
25. 8-Mar-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
26. 26-Mar-2024 CLNDR: CONFERENCE, Department B, 5-14-24, CONFERENCE ROOM.
27. 23-May-2024 MEMORANDUM DECISION (Reversed, Remanded) Hon Andrew M Jacobs - Author; Hon Jennifer M Perkins - Concur; Hon David D Weinzweig - Concur
28. 23-May-2024 FILED: Decision Distribution Notification
29. 6-Jun-2024 FILED: Statement of Costs on Appeal; Statement of Costs on Appeal (Duplicate) (Appellant)
30. 6-Jun-2024 FILED: Verified Statement of Taxable Costs; Statement of Costs on Appeal (Duplicate) (Appellant)
31. 13-Aug-2024 FILED: Request for Issuance of Mandate; Request for Issuance of Mandate (Appellant)