

Court of Appeals, Division One

Civil Appeal

1 CA-CV 25-0202

PINGU v. SPECIAL SITUATIONS, et al.

Appellate Case Information

Case Filed: 11-Mar-2025

Case Closed:

Dept/Composition

Department F

Hon. David B Gass
Hon. Anni Hill Foster
Hon. Randall M Howe

Side 1. PINGU, INC., Plaintiff/Appellee

(Litigant Group) PINGU INC

- Pingu Inc

Attorneys for: Plaintiff/Appellee

Dennis I Wilenchik, Esq. (AZ Bar No. 5350)
Tyler Q Swensen, Esq. (AZ Bar No. 15322)

Side 2. SPECIAL SITUATIONS VALUE INVESTING, LLC, et al., Defendant/Appellant

(Litigant Group) SPECIAL SITUATIONS VALUE INVESTING, LLC, et al.

- Special Situations Value Investing LLC
Looksmart Group Inc

Attorneys for: Defendants/Appellants

Michael E Gerity, Esq. (AZ Bar No. 15750)

CASE STATUS

Feb 26, 2026....Under Advisement

Table with 6 columns: PREDECESSOR CASE (S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2021-015479, Breach of Contract, Jennifer C Ryan-Touhill, Authoring Judge of Order.

51 PROCEEDING ENTRIES

- 1. 11-Mar-2025 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/10/25
2. 11-Mar-2025 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 11-Mar-2025 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 13-Mar-2025 FILED: Appellants' Notice of Pending Motions; Certificate of Service (Appellants)
5. 17-Mar-2025 ORDERED: (per Sorensen v. Farmers) staying appeal to/including 04/16/2025, re-vesting jurisdiction in superior court and authorizing that court to consider pending motion. FURTHER ORDERED: If superior court grants motion, appellant must file a notice in this court indicating whether appellant intends to pursue appeal. If a party wants this court to review any additional filings, that party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: If the superior court has not ruled on the motions by 04/16/2025, appellants must file notice in this court regarding the status of the motions. FURTHER ORDERED: Vacating the 03/31/2025 due date for the case management statement and the 05/12/2025 due date for the opening brief. Court will address briefing schedule after superior court rules on pending motions. Melina Brill ProTem Judge - Author
6. 19-Mar-2025 RECEIPT No.: 2025-00277 ; \$330.00, Authorization: #78002218094, Applied to: SPECIAL SITUATIONS VALUE INVESTING, LLC, et al. - Class A Filing Fee (\$330.00) Paid for: Israel & Gerity PLLC - By nCourt LLC
7. 16-Apr-2025 FILED: Appellants' Notice Re Status of Pending Motions; Certificate of Service (Appellants)
8. 17-Apr-2025 ORDERED: Continuing the stay of this appeal until 05/19/2025. FURTHER ORDERED: Authorizing the superior court to consider a motion for a signed order corresponding to its 04/16/2025 ruling. FURTHER ORDERED: Appellants must file a motion asking the superior court to enter a signed order with a proposed order attached. FURTHER ORDERED: If the superior court has not entered a signed order by 05/19/2025, appellants must file a motion to continue the stay of this appeal that describes the status of the matter. Otherwise, this court will dismiss this appeal. FURTHER ORDERED: Directing the Clerk of the Maricopa County Superior Court to transmit a certified copy of the ruling within 10 days after entry, marked for filing in this appeal. The stay will be lifted automatically when this court receives the signed order. FURTHER ORDERED: If a party wants this court to review any additional rulings, that party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: Case management statement is due by 05/19/2025, and the opening brief is due by 06/18/2025. Melina Brill ProTem Judge - Author
9. 25-Apr-2025 FILED: Appellants' Notice of Rulings on Pending Motions and Notice Re: Intent to Seek Supersedeas Bond; Certificate of Service (Appellants)
10. 28-Apr-2025 ORDERED: Appellants' Notice of Rulings on Pending Motions and Notice Re: Intent to Seek Supersedeas Bond (Appellants) = TAKING NO ACTION. Melina Brill ProTem Judge - Author
11. 19-May-2025 FILED: Appellants' Notice of Filing Certified Transcripts; Certificate of Service (Appellants)
12. 19-May-2025 FILED: Reporter's Transcript - 08/23/2024 - Final Trial Management Conference (Kimberly C McCright) (Appellants)
13. 19-May-2025 FILED: Reporter's Transcript - 09/17/2024 - Jury Trial Day 2 (Lisa Beck) (Appellants)

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14. 19-May-2025 FILED: Reporter's Transcript - 09/18/2024 - Jury Trial Day 3 (Kristin Gambel) (Appellants)
15. 19-May-2025 FILED: Reporter's Transcript - 09/19/2024 - Jury Trial Day 4 (Lisa Beck) (Appellants)
16. 19-May-2025 FILED: Reporter's Transcript - 09/23/2024 - Jury Trial Day 5 (Wesley Gillebaard) (Appellants)
17. 19-May-2025 FILED: Case Management Statement (Appellants)
18. 19-May-2025 FILED: Appellants' Motion to Continue Stay; Certificate of Service (Appellants)
19. 20-May-2025 ORDERED: Appellants' Motion to Continue Stay (Appellants) = GRANTED and continuing the stay of this appeal until 06/18/2025, to allow the superior court to rule on the motion for a signed order. FURTHER ORDERED: The stay will be lifted automatically on 06/19/2025, unless before that date appellants file a motion to continue the stay. If appellants do not file a motion to continue the stay and the superior court has not entered a signed order, this court will dismiss this appeal. FURTHER ORDERED: The opening brief is due by 07/21/2025. If the brief is not timely filed, this court will dismiss this appeal. Melina Brill ProTem Judge - Author
20. 27-May-2025 FILED: Additional Record on Appeal:
Physical Exhibits
Hearing Date: 09/16/2024 - LIST # 1 2 6 7 8 9 10 12 13 15 17 18 19 20 21 22 25 26 27 31 32 34 35 38 39 40 41 43 44 45 47 48 59 64 67 74 76 83 85 86 90 in a Manila Envelope
21. 27-May-2025 FILED: Supplemented Superior Court e-Record with Revised Index of Record
22. 25-Jun-2025 ORDERED: directing appellants to file a copy of the 5/21/25 signed order corresponding to the superior court's 4/16/25 ruling by 7/7/25. Steven C Lawrence ProTem Judge - Author
23. 25-Jun-2025 FILED: Appellants' Notice Of Filing Of Signed Order; Certificate of Service (Appellant)
24. 10-Jul-2025 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
25. 10-Jul-2025 FILED: Notice of Payment of Appellee's Filing Fee; Certificate of Service (Appellee)
26. 14-Jul-2025 FILED: Settlement Conference Program Notice
27. 15-Jul-2025 FILED: Appellants' Motion For Procedural Order to Extend Deadline to File Opening Brief; Certificate of Service (Appellants)
28. 16-Jul-2025 ORDERED: Appellants' Motion For Procedural Order to Extend Deadline to File Opening Brief (Appellants) = GRANTED. Due date EXTENDED from Monday, 07-21-2025 to Thursday, 08-14-2025. If the brief is not timely filed, the court will dismiss this appeal. Melina Brill ProTem Judge - Author
29. 17-Jul-2025 RECEIPT No.: 2025-00773 ; \$165.00, Authorization: # 98007185003, Applied to: PINGU INC - Appellee's Filing Fee (\$165.00) Paid for: Wilenchik & Bartness PC - By nCourt, LLC
30. 17-Jul-2025 RECEIPT No.: 2025-00777 ; \$165.00, Authorization: # 98007185003, Applied to: PINGU INC - Class B Filing Fee (\$165.00) Paid for: Wilenchik & Bartness PC - By nCourt, LLC (Memo: X-Ref: 2025-00773)
31. 17-Jul-2025 VOID RECEIPT No.: 2025-00773 - \$-165.00, Authorization: # 98007185003, - Applied to: PINGU INC - Appellee's Filing Fee (\$-165.00) Paid for: Wilenchik & Bartness PC - By: nCourt, LLC VOID Reason: X-Ref: 2025-00777. incorrect receivable type. alr.
32. 14-Aug-2025 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
33. 23-Sep-2025 FILED: Plaintiff/Appellee's Unopposed Motion For Procedural Order to Extend Time to File Answering Brief; Certificate of Service (Appellee)
34. 24-Sep-2025 ORDERED: Plaintiff/Appellee's Unopposed Motion For Procedural Order to Extend Time to File Answering Brief (Appellee) = DENIED. Melina Brill ProTem Judge - Author
35. 24-Sep-2025 FILED: Plaintiff/Appellee's Motion for Procedural Order Vacating the Order Denying Extension Motion and Extending the Time to File an Answering Brief; Certificate of Service (Appellee)
36. 24-Sep-2025 ORDERED: Plaintiff/Appellee's Motion for Procedural Order Vacating the Order Denying Extension Motion (Appellee) = DENIED. FURTHER ORDERED: Plaintiff/Appellee's Motion Extending the Time to File an Answering Brief = GRANTED. Due date EXTENDED from Tuesday, 09-23-2025 to Thursday, 10-23-2025. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. The parties are encouraged to submit future extension motions at least 5 business days prior to the brief deadline. Melina Brill ProTem Judge - Author
37. 23-Oct-2025 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)

[Strickn per order filed 10/24/2025 - jb]
38. 24-Oct-2025 ORDERED: Striking the answering brief filed on 10/23/2025. FURTHER ORDERED: A replacement answering brief that complies with the Arizona Rules of Civil Appellate Procedure must be filed by 11/03/2025. If a replacement brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
39. 24-Oct-2025 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)

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40.	13-Nov-2025	FILED: Appellants' Reply Brief Oral Argument Requested; Certificate of Compliance; Certificate of Service (Appellant)
41.	11-Dec-2025	ORDERED: Appellants' Reply Brief Oral Argument Requested(Appellant) = GRANTED. Hon Randall M Howe - Author
42.	26-Dec-2025	CLNDR: MONTHLY COURT CASE CALENDAR, Department F, 2-26-26, 11:00 am, COURTROOM 1.
43.	31-Dec-2025	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
44.	9-Jan-2026	FILED: Supplemented Superior Court e-Record with Revised Index of Record
45.	28-Jan-2026	FILED: Notice of Oral Argument
46.	28-Jan-2026	FILED: Return Receipt for Notice of Oral Argument, signed by Tyler Q. Swensen, on 01/28/2026 (Appellee)
47.	29-Jan-2026	ORDERED: Resetting oral argument from 02/26/2026 at 11:00 a.m. to 02/26 at 2:00 p.m., before Department F, in Courtroom 2, Each side is allocated 20 minutes within which to present oral argument. (See Order) Hon David B Gass - Author
48.	29-Jan-2026	FILED: Return Receipt for Notice of Oral Argument, signed by Michael Gerity, on 01/29/2026 (Appellants)
49.	29-Jan-2026	FILED: Return Receipt for Notice of Oral Argument, signed by Tyler Q. Swensen, on 01/29/2026 (Appellee)
50.	26-Feb-2026	FILED: Return Receipt for Notice of Oral Argument, signed by Michael Gerity, on 02/26/2026 (Appellant)
51.	26-Feb-2026	FILED: Sign-in Sheet/Case is Under Advisement as of 02/26/2026