

Court of Appeals, Division One

Special Action

1 CA-SA 23-0231

PNC BANK v. HON COURY/JENNINGS et al.

Appellate Case Information

Case Filed: 29-Nov-2023
Case Closed: 5-Sep-2024

Jurisdiction Accepted

Dept/Composition

Department C

Hon. D Steven Williams
Hon. Samuel A Thumma
Hon. Paul J McMurdie

Side 1. PNC BANK, N.A., Petitioner

(Litigant Group) PNC BANK, N.A.

- PNC Bank NA

Attorneys for: Petitioner

Kevin M Judiscak, Esq. (AZ Bar No. 12764)
Scott B Cohen, Esq. (AZ Bar No. 14377)
Bradley D Pack, Esq. (AZ Bar No. 23973)

Side 2. THE HONORABLE CHRISTOPHER COURY, Judge of the SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of MARICOPA,

Respondent Judge,

JENNINGS, STROUSS & SALMON, P.L.C., an Arizona professional limited liability company; RED CITYSCAPE DEVELOPMENT, LLC, a Delaware limited liability company; and RESOLUTE COMMERCIAL SERVICES, LLC, an Arizona limited liability company in its capacity as Receiver for Jennings, Strauss & Salmon, P.L.C.,

Real Parties in Interest., Respondent

(Litigant Group) HONORABLE CHRISTOPHER COURY

- Hon. Christopher A Coury, Respondent Judge

(Litigant Group) JENNINGS, STROUSS & SALMON, P.L.C.

- Jennings Strauss & Salmon PLC, Real Party in Interest

Attorneys for: Real Party in Interest Jennings

Bryan J Gottfredson, Esq. (AZ Bar No. 25140)
Philip R Rudd, Esq. (AZ Bar No. 14026)
Wesley D Ray, Esq. (AZ Bar No. 26351)

(Litigant Group) RED CITYSCAPE

- Red Cityscape Development LLC, Real Party in Interest

Attorneys for: Real Party Red Cityscape

Andrew Abraham, Esq. (AZ Bar No. 7322)
Ralph D Harris, Esq. (AZ Bar No. 6881)
Daryl Manhart, Esq. (AZ Bar No. 5471)

(Litigant Group) RESOLUTE

- Resolute Commercial Services LLC, Real Party in Interest

Attorney for: Real Party Resolute

Michael A Jones, Esq. (AZ Bar No. 27311)

CASE STATUS

Sep 5, 2024.....Case Closed

Table with 6 columns: Predecessor Case (S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV 2023-012249, Christopher A Coury, Authoring Judge of Order.

Table with 2 columns: Descendent Case (S), Dispo. Row 1: ASC, CV-24-0018-PR.

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CASE DECISION

06-Feb-2024 OPINION

D Williams.....Author
Samuel Thumma.....Concur
Paul McMurdie.....Concur

Filed: 06-Feb-2024

Mandate:

Table with 1 row and 1 column: Decision Disposition. Content: Jurisdiction Accepted, Relief Granted

31 PROCEEDING ENTRIES

- 1. 29-Nov-2023 FILED: Petition for Special Action; Certificate of Compliance; Contact Information Sheet; Certificate of Service (Petitioner)
2. 29-Nov-2023 FILED: Appendix Volume I Part 1 (Petitioner)
3. 29-Nov-2023 FILED: Appendix Volume I Part 2 (Petitioner)
4. 29-Nov-2023 FILED: Appendix Volume II (Petitioner)
5. 29-Nov-2023 FILED: Order Setting Dates/petition set for am of 12/20/2023 by Dept C, Judges Willams, Thumma, McMurdie.
6. 30-Nov-2023 FILED: Acceptance of Service of Special Action Petition (Philip R. Rudd) (Petitioner)
7. 30-Nov-2023 FILED: Acceptance of Service of Special Action Petition (Andrew Abraham) (Petitioner)
8. 30-Nov-2023 FILED: Acceptance of Service of Special Action Petition (Michael Jones) (Petitioner)
9. 4-Dec-2023 RECEIPT No.: 2023-01132 ; \$280.00, Authorization: # 38018147086, Applied to: PNC BANK, N.A. - Class A Filing Fee (\$280.00) Paid for: Engelman Berger PC - By nCourt LLC
10. 4-Dec-2023 FILED: Notice of Errata Regarding Certificate of Service; Certificate of Service of Notice of Errata Re: Certificate of Service (Petitioner)
11. 11-Dec-2023 FILED: Red Cityscape Development LLC Response Opposing Petition for Special Action; Certificate of Compliance; Certificate of Service (Real Party in Interest Red Cityscape)
12. 12-Dec-2023 FILED: Filing Fee - Response to Special Action (Real Party in Interest Red Cityscape)
13. 15-Dec-2023 RECEIPT No.: 2023-01173 ; \$140.00, Authorization: # 49011734867, Applied to: JENNINGS, STROUSS & SALMON, P.L.C. - Class B Filing Fee (\$140.00) Paid for: Burch & Cracchiolo PA - By nCourt LLC
14. 18-Dec-2023 FILED: Reply in Support of Petition for Special Action; Certificate of Service; Certificate of Compliance (Petitioner)
15. 10-Jan-2024 FILED: Notice as Directed by Superior Court; Certificate of Service (Real Party in Interest Red Cityscape)
16. 17-Jan-2024 ORDERED: Petition for Special Action (Petitioner) = JURISDICTION ACCEPTED. FURTHER ORDERED: Granting the requested relief insofar that the landlord's lien does not attach to a tenant's receivables and intangible property. A written opinion will be issued in due course. Hon D Steven Williams - Author
17. 25-Jan-2024 RECEIPT No.: 2024-00078 ; \$140.00, Authorization: #49011734867, Applied to: RED CITYSCAPE - Class B Filing Fee (\$140.00) Paid for: BURCH & CRACCHIOLO PA - By nCourt LLC (Memo: X-Ref; 2023-01173)
18. 25-Jan-2024 VOID RECEIPT No.: 2023-01173 - \$-140.00, Authorization: # 49011734867, - Applied to: JENNINGS, STROUSS & SALMON, P.L.C. - Class B Filing Fee (\$-140.00) Paid for: Burch & Cracchiolo PA - By: nCourt LLC VOID Reason: X-Ref: 2024-00078. payment applied to incorrect account. ala
19. 31-Jan-2024 FILED: Motion to Clarify or Extend Time for Filing Statement of Attorneys' Fees and Costs; Certificate of Service (Petitioner)
20. 6-Feb-2024 OPINION (Jurisdiction Accepted, Relief Granted) Hon D Steven Williams - Author; Hon Samuel A Thumma - Concur; Hon Paul J McMurdie - Concur
21. 6-Feb-2024 FILED: Decision Distribution Notification
22. 20-Feb-2024 FILED: Petitioner's Statement of Attorneys' Fees and Costs; Certificate of Service Re: Petitioner's Statement of Attorneys' Fees and Costs; Exhibit A (to Petitioner's Statement of Attorneys' Fees and Costs) (Petitioner)
23. 20-Feb-2024 FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Real Party in Interest Red Cityscape)
24. 23-Feb-2024 FILED: Red's Objection to Petitioner's Statement of Attorneys' Fees and Costs; Certificate of Service (Real Party Red Cityscape)

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31 PROCEEDING ENTRIES

- 25. 27-Feb-2024 FILED: Petitioner's Reply in Support of Statement of Attorneys' Fees and Costs; Certificate of Service Regarding Petitioner's Reply in Support of Statement of Attorneys' Fees and Costs (Petitioner)
- 26. 29-Feb-2024 ORDERED: Motion for Reconsideration (Real Party in Interest Red Cityscape) = DENIED. Hon D Steven Williams - Author
- 27. 1-Mar-2024 ORDERED: Petitioner's Statement of Attorneys' FEES and Costs (Petitioner) = Awarding Petitioner \$30,000.00 in attorneys' fees, and \$305.71 in costs. Hon D Steven Williams - Author
- 28. 12-Mar-2024 FILED: Email Notice from ASC re: Petition for Review filed 03/12/2024; request for partial record
- 29. 13-Mar-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
- 30. 2-Aug-2024 FILED: Letter from ASC, 8/2/24, re: Petition for Review DENIED on 8/2/24; Request for Attorneys Fees GRANTED
- 31. 5-Sep-2024 FILED: Letter, 9/5/24, Certified Copy of Opinion accepting jurisdiction and granting relief. No physical record to be returned to clerk, Maricopa County Superior Court.