Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0666 — 5TH AVENUE v. KAHLON et al.

Appellate Case Information

Case Filed: 8-Oct-2015

Case Closed: 17-Jan-2017

Decision

Dept/Composition

Department D

Hon. Andrew W. Gould
Hon. Peter B Swann
Hon. Patricia A Orozco

Side 1. 5TH AVENUE PROFESSIONAL OFFICE LLC, an Arizona limited liability company, Plaintiff/Appellant

(Litigant Group) 5TH AVENUE PROFESSIONAL OFFICE LLC

- **5th Avenue Professional Office LLC**

Attorneys for: Plaintiff/Appellant

Charles K Ayers, Esq. (AZ Bar No. 3756)

Side 2. MANINDER KAHLON and RAMIT KAHLON, husband and wife; ATUL SYAL and JYOTI SYAL, husband and wife; JATIN SHAH and RIMA SHAH, husband and wife; JASON REINHART, an unmarried man; ANDREW GORMAN and BRENDA GORMAN, husband and wife; ANDRE HAGEVIK and MELANIE LANE, husband and wife; NIRMALA ARYAL and PRASHANT NARAIN, husband and wife; LAWRENCE KUTZ and ELANA KUTZ, husband and wife; PRAFUL REDDY and AMRITA REDDY, husband and wife, Defendant/Appellee

(Litigant Group) MANINDER & RAMIT KAHLON

- **Maninder Kahlon**
- **Ramit Kahlon**

Attorneys for: Defendants/Appellees Kahlon

Daryl M Williams, Esq. (AZ Bar No. 4631)

(Litigant Group) ATUL SYAL et al.

- **Atul Syal**
- **Jyoti Syal**
- **Jatin Shah**
- **Rima Shah**
- **Jason Reinhart**
- **Andrew Gorman**
- **Brenda Gorman**
- **Andre Hagevik**
- **Melanie Lane**
- **Nirmala Aryal**
- **Prashkant K Narain**
- **Lawrence Kutz**
- **Elana Kutz**

Attorneys for: Defendants/Appellees Syal et al.

Jeffrey Messing, Esq. (AZ Bar No. 9768)

(Litigant Group) PRAFUL & AMRITA REDDY

- **Praful Reddy**
- **Amrita Reddy**

Attorneys for: Defendants/Appellees Reddy

Brian E Ditsch, Esq. (AZ Bar No. 9075)

Steven M Goldstein, Esq. (AZ Bar No. 10887)

CASE STATUS

Jan 17, 2017....Case Closed

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2014-015004	Breach of Contract; Enforcement of Guaranty		James T Blomo, Authoring Judge of Order		

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Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0666 — 5TH AVENUE v. KAHLON et al.

CASE DECISION

08-Dec-2016 **MEMORANDUM DECISION**

Patricia Orozco.....Author
Andrew Gould.....Concur
Peter Swann.....Concur

Filed: **08-Dec-2016** Mandate: **17-Jan-2017**

Decision Disposition
Reversed
Remanded

46 PROCEEDING ENTRIES

1.	8-Oct-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 09/10/15
2.	8-Oct-2015	FILED: e-Record on Appeal: Instruments/Minute Entries
3.	13-Oct-2015	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due
4.	13-Oct-2015	FILED: Plaintiff/Appellant's Notice of Payment of Filing Fee; Plaintiff/Appellant's Certificate of Service
5.	16-Oct-2015	RECEIPT No.: 2015-01437 ; $280.00, Authorization: 88018636999, Applied to: 5TH AVENUE PROFESSIONAL OFFICE LLC - Class A Filing Fee ($280.00) Paid for: Ayers & Brown PC - By Integrated Resource Systems IN
6.	23-Oct-2015	FILED: Appellees' Notice re: Appellees' Fees'/Appellant's Brief Due
7.	23-Oct-2015	FILED: Notice of Appearance; Certificate of Service (Appellees Syal, et al.)
8.	28-Oct-2015	RECEIPT No.: 2015-01498 ; $140.00, Authorization: #00019813288, Applied to: ATUL SYAL et al. - Class B Filing Fee ($140.00) Paid for: Poli & Ball PLC - By Integrated Resource Systems
9.	28-Oct-2015	FILED: Plaintiff/Appellant's Notice of Filing and Serving Transcript; Plaintiff/Appellant's Certificate of Service
10.	28-Oct-2015	FILED: Reporter's Transcript of Proceedings 5/1/15 (Laura I Blair) (Appellant)
11.	2-Nov-2015	FILED: Case Management Statement (Appellant)
12.	4-Nov-2015	FILED: Notice of Appearance; Certificate of Service (Appellee Reddy, et al.)
13.	5-Nov-2015	FILED: Notice of Paying Filing Fee by Appellees Maninder and Ramit Kahlon; Certificate of Service of Notice of Paying Filing Fee by Appellees Maninder and Ramit Kahlon (Appellees Kahlon)
14.	9-Nov-2015	RECEIPT No.: 2015-01558 ; $140.00, Authorization: 13002133324, Applied to: PRAFUL & AMRITA REDDY - Class B Filing Fee ($140.00) Paid for: Sacks Tierney PA - By Integrated Resource Systems IN
15.	10-Nov-2015	RECEIPT No.: 2015-01565 ; $140.00, Authorization: #13017245756, Applied to: MANINDER & RAMIT KAHLON - Class B Filing Fee ($140.00) Paid for: Baird Williams & Greer LLP - By Integrated Resource Systems IN
16.	14-Dec-2015	FILED: Appellant 5th Avenue Professional Office LLC's Opening Brief; Appellant 5th Avenue's Certificate of Compliance; Appellant 5th Avenue's Certificate of Service
17.	21-Jan-2016	FILED: Answering Brief of Defendants/Appellees Syal, Shah, Reinhart, Gorman, Hagevik, Lane, Aryal, Narain and Kutz; Certificate of Compliance for Answering Brief of Defendants/Appellees Syal, Shah, Reinhart, Gorman, Hagevik, Lane, Aryal, Narain and Kutz; Certificate of Service for Answering Brief of Defendants/Appellees Syal, Shah, Reinhart, Gorman, Hagevik, Lane, Aryal, Narain and Kutz
18.	25-Jan-2016	FILED: Appellees Reddy's Joinder in Appellees' Answering Brief and Notice of Request for Attorneys' Fees and Costs on Appeal; Certificate of Service (Appellee)
19.	26-Jan-2016	FILED: Joinder by Defendants/Appellees Kahlon in Answering Brief of Defendants/Appellees Syal, Shah, Reinhart, Gorman, Hagevik, Lane, Aryal, Nurain, and Kutz; Certificate of Service of Joinder by Defendants/Appellees Kahlon in Answering Brief of Defendants/Appellees Syal, Shah, Reinhart, Gorman, Hagevik, Lane, Aryal, Nurain, and Kutz
20.	9-Feb-2016	FILED: Appellant's Motion for Procedural Order for Extension of Time to File Reply Brief; Appellant 5th Avenue's Certificate of Service (Appellant)

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46 PROCEEDING ENTRIES

21.	10-Feb-2016	ORDERED: Appellant's Motion for Procedural Order for Extension of Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 02-16-2016 to Friday, 02-26-2016. Barbara Vidal Vaught ProTem Judge - Author
22.	25-Feb-2016	FILED: Appellant 5th Avenue Professional Office LLC's Reply Brief; Appellant 5th Avenue's Certificate of Compliance; Appellant 5th Avenue's Certificate of Service
23.	25-Feb-2016	FILED: Request for Oral Argument; Appellant 5th Avenue's Certificate of Service (Appellant)
24.	3-Mar-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
25.	9-Mar-2016	ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Michael J Brown - Author
26.	10-Mar-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
27.	5-Aug-2016	FILED: Appellant 5th Avenue's Notice of Change of Firm Address; Appellant 5th Avenue's Certificate of Service (Appellant)
28.	9-Aug-2016	FILED: Defendants/Appellees Syal, Shah, Reinhart, Gorman, Hagevik, Lane, Aryal, Narain and Kutz's Notice of Firm Name Change; Certificate of Service
29.	16-Aug-2016	FILED: Notice of Change of Attorney Within the Firm; Appellant 5th Avenue's Certificate of Service (Appellant)
30.	26-Sep-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 11-16-16, 09:30 am, COURTROOM 2.
31.	5-Oct-2016	FILED: Unopposed Motion for Procedural Order Continuing Oral Argument; Certificate of Service (Appellee)
32.	6-Oct-2016	FILED: Receipt for Notice of Oral Argument, signed by Charles K Ayers on 10/05/2016 (Appellant)
33.	6-Oct-2016	FILED: Receipt for Notice of Oral Argument, signed by Jeffrey Messing on 10/06/2016 (Appellee)
34.	6-Oct-2016	FILED: Receipt for Notice of Oral Argument, signed by Jeffrey Messing on 10/06/2016 (Appellee)
35.	6-Oct-2016	ORDERED: Unopposed Motion for Procedural Order Continuing Oral Argument (Appellee) = GRANTED/vacating oral argument on 11/16/2016 and resetting oral orgument to 11/30/2016. Hon Andrew W Gould - Author
36.	7-Oct-2016	FILED: Receipt for Notice of Oral Argument, signed by Charles K Ayers on 10/06/2016 (Appellant)
37.	21-Oct-2016	FILED: Notice of Change of Counsel Within Same Firm for Appellees Maninder Kahlon and Ramit Kahlon; Untitled (Certificate of Service) (Appellees Kahlon)
38.	16-Nov-2016	FILED: Receipt for Notice of Oral Argument, signed by Brian E Ditsch on 10/06/2016; Certificate of Service (Appellee)
39.	21-Nov-2016	FILED: Receipt for Notice of Oral Argument, signed by Charles K Ayers on 11/20/2016; Appellant 5th Avenue's Certificate of Service (Appellant)
40.	23-Nov-2016	FILED: Receipt for Notice of Oral Argument, signed by Daniel B Mestaz on 10/06/2016; Certificate of Service of Return Receipt for Notice of Oral Argument (Appellee)
41.	30-Nov-2016	FILED: Sign-in Sheet/Case is Under Advisement as of 11/30/2016 (Dept D)
42.	8-Dec-2016	MEMORANDUM DECISION (Reversed, Remanded) Hon Patricia A Orozco - Author; Hon Andrew W Gould - Concur; Hon Peter B Swann - Concur
43.	8-Dec-2016	FILED: Memorandum Decision Distribution List
44.	15-Dec-2016	FILED: Statement of Costs; Certificate of Service (Appellant)
45.	6-Jan-2017	ORDERED: awarding Plaintiff/Appellant their costs in the amount of $757.50. Amy M Wood - Author
46.	17-Jan-2017	FILED: Mandate, No record returned to superior court.

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