

# 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 14, 2024....Under Advisement

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2013-094553	Foreign Judgment		Brian Kaiser, Authoring Judge of Order		

### CALENDAR

**Tuesday** MONTHLY COURT CASE CALENDAR  
**14-May-2024** Department B; CONFERENCE ROOM

Mixed

### 26 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)

**Court of Appeals, Division One****Civil Appeal****1 CA-CV 23-0463****ADVANCE v. C&C, et al.****26 PROCEEDING ENTRIES**

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
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.