

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0640

FEN v. FONZI, et al.

Appellate Case Information

Case Filed: 13-Oct-2023

Case Closed:

Dept/Composition

Department C

Hon. Paul J McMurdie
Hon. Maria Elena Cruz
Hon. Cynthia J Bailey

Side 1. FEN INVESTMENTS, LLC, Plaintiff/Appellee

(Litigant Group) FEN INVESTMENTS, LLC

- Fen Investments LLC

Attorneys for: Plaintiff/Appellee

Matthew Schlabach, Esq. (AZ Bar No. 34118)
Judy Drickey-Prohow, Esq. (AZ Bar No. 5796)
Denise M Holliday, Esq. (AZ Bar No. 17275)
Kevin W Holliday, Esq. (AZ Bar No. 17276)

Side 2. FONZI FOOD, et al., Defendant/Appellant

(Litigant Group) FONZI FOOD, et al.

- Fonzi Food
Eduard Georgescu

Attorneys for: Defendants/Appellants

Alexander R Arpad, Esq. (AZ Bar No. 21660)
Byrl Raymond Lane, Esq. (AZ Bar No. 6385)

CASE STATUS

Jun 24, 2024....Motion for Reconsideration Pending

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CV2023-051979, Forcible Entry & Detainer, Cynthia L Gialketsis, Authoring Judge of Order.

PENDING MATTER

General Motion

Filed: 19-Jun-2024

Application for Award of Attorney Fees and COSTS (Appellee)

CASE DECISION

11-Jun-2024 OPINION

Paul McMurdie.....Author
Maria Cruz.....Concur
Cynthia Bailey.....Concur

Filed: 11-Jun-2024 Mandate:

Decision Disposition

Affirmed in Part
Vacated in Part

22 PROCEEDING ENTRIES

- 1. 13-Oct-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 09/15/23
2. 13-Oct-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
3. 16-Oct-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
4. 30-Oct-2023 FILED: Case Management Statement; Copy of Maricopa County Superior Court ME dated 06/06/2023 re: virtual hearing on Forcible Detainer; Copy of Maricopa County Superior Court ME dated 08/15/2023 re: Virtual Oral Argument (Appellant)
5. 3-Nov-2023 RECEIPT No.: 2023-01039 ; \$280.00, Authorization: # 07008014017, Applied to: FONZI FOOD, et al. - Class A Filing Fee (\$280.00) Paid for: Alexander R Arpad - By nCourt LLC
6. 13-Nov-2023 FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief Due
7. 14-Nov-2023 RECEIPT No.: 2023-01071 ; \$140.00, Check Number: #13269, Applied to: FEN INVESTMENTS, LLC - Class B Filing Fee (\$140.00) Paid for: - By Hull Holliday & Holliday PLC

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22 PROCEEDING ENTRIES

8. 15-Dec-2023 FILED: Opening Brief; Certificate of Compliance to Opening Brief; Certificate of Service to Opening Brief (Appellant)
9. 15-Dec-2023 FILED: Reporter's Transcript - 06/06/2023 - Hearing On Forcible Detainer (Judith Burnett) (Appellant)
10. 15-Dec-2023 FILED: Reporter's Transcript - 08/15/2023 - Motions Hearing (Judith Burnett) (Appellant)
11. 24-Jan-2024 FILED: Appellee's Response Brief (Answering Brief); Certificate of Compliance; Certificate of Service Re: Response Brief (Appellee)
12. 20-Feb-2024 FILED: Reply Brief; Certificate of Compliance to Reply Brief; Certificate of Service to Reply Brief (Appellant)
13. 28-Feb-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
14. 8-Mar-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
15. 20-Mar-2024 FILED: Notice of Supplementary Citation of Legal Authority; Certificate of Service to Notice of Supplementary Citation of Legal Authority (Appellant)
16. 26-Mar-2024 CLNDR: CONFERENCE, Department C, 5-15-24, COURTROOM 1.
17. 26-Mar-2024 FILED: Certificate of Service to Notice of Citation of Supplemental Legal Authority (Notice of Citation of Supplemental Legal Authority); Certificate of Service to Notice of Citation of Supplemental Legal Authority (Appellant)
18. 11-Jun-2024 OPINION (Affirmed in Part, Vacated in Part) Hon Paul J McMurdie - Author; Hon Maria Elena Cruz - Concur; Hon Cynthia J Bailey - Concur
19. 11-Jun-2024 FILED: Decision Distribution Notification
20. 19-Jun-2024 FILED: Application for Award of Attorney Fees and Costs; Certificate of Service RE: Application for Award of Attorney Fees and Cost; Exhibit 1; Judgment for Attorney Fees and Cost on Appeal (Appellee)
21. 24-Jun-2024 FILED: Motion for Reconsideration and/or Clarification; Certificate of Compliance to Motion for Reconsideration and/or Clarification; Certificate of Service to Motion for Reconsideration and/or Clarification (Appellant)
22. 9-Jul-2024 ORDERED: APPLICATION FOR AWARD OF ATTORNEY FEES and Costs (Appellee) = GRANTED. Awarding attorney's fees of \$4,675 and costs of \$140 to plaintiff/appellee and against defendant/appellant Fonzi Food, LLC. ORDERED: Motion for Reconsideration and/or Clarification (Appellant) = DENIED. Hon Paul J McMurdie - Author