

SECOND DISTRICT COURT - OGDEN
WEBER COUNTY, STATE OF UTAH

CHARLESWORTH APARTMENTS LLC et al. vs. BCIF HOLDINGS I LLC

CASE NUMBER 210902394 Contracts

CURRENT ASSIGNED JUDGE
MICHAEL D DIREDA

PARTIES

Plaintiff - CHARLESWORTH APARTMENTS LLC
Represented by: MATTHEW KOYLE

Plaintiff - HIGHLAND APARTMENTS LLC
Represented by: MATTHEW KOYLE

Defendant - BCIF HOLDINGS I LLC
Represented by: G TROY PARKINSON

ACCOUNT SUMMARY

| | |
|---------------------------|--------|
| Total Revenue Amount Due: | 375.00 |
| Amount Paid: | 375.00 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |

REVENUE DETAIL - TYPE: COMPLAINT - NO AMT S

| | |
|----------------------|--------|
| Original Amount Due: | 375.00 |
| Amended Amount Due: | 375.00 |
| Amount Paid: | 375.00 |
| Amount Credit: | 0.00 |
| Balance: | 0.00 |

CASE NOTE

PROCEEDINGS

05-05-2021 Filed: Complaint
05-05-2021 Case filed by efiler
05-05-2021 Fee Account created Total Due: 375.00
05-05-2021 COMPLAINT - NO AMT S Payment Received: 375.00
05-05-2021 Judge MICHAEL D DIREDA assigned.
05-05-2021 Filed: Return of Electronic Notification
05-05-2021 Filed: Lis Pendens
05-05-2021 Filed: Return of Electronic Notification
05-11-2021 Filed: Appearance of Counsel/Notice of Limited Appearance
05-11-2021 Filed: Return of Electronic Notification
05-20-2021 Filed return: Acceptance of Service upon ACCEPTANCE BY COUNSEL
for
Party Served: BCIF HOLDINGS I LLC
Service Type: Personal
Service Date: May 19, 2021

Garnishee:

05-20-2021 Filed: Motion for Ex-Parte Temporary Restraining Order and Preliminary Injunction
Filed by: CHARLESWORTH APARTMENTS LLC

05-20-2021 Filed: Return of Electronic Notification

05-20-2021 Filed: Return of Electronic Notification

05-20-2021 Filed: Temporary Restraining Order (Proposed)

05-20-2021 Filed: Return of Electronic Notification

05-20-2021 Note: TRO sent to CLN for review

05-21-2021 Filed: Exhibit List Exhibit D

05-21-2021 Filed: Exhibit List Exhibits A-C

05-21-2021 Filed: Exhibit List Exhibits E-J

05-21-2021 Filed: Memorandum in Opposition to Motion for Ex-Parte Temporary Restraining Order and Preliminary Injunction

05-21-2021 Filed: Return of Electronic Notification

05-25-2021 Filed: Other - Not Signed Temporary Restraining Order (Proposed)

05-25-2021 Filed: Return of Electronic Notification

06-04-2021 Filed: Request/Notice to Submit and for Expedited Hearing (Hearing Requested)

06-04-2021 Filed: Return of Electronic Notification

06-04-2021 Note: RTS emailed to MDD for review

06-04-2021 Note: Emailed counsel to schedule webex conference

06-07-2021 NOTICE for Case 210902394 ID 21873017
Judge: MICHAEL D DIREDA
SCHEDULING CONFERENCE is scheduled.
Date: 06/16/2021
Time: 08:45 a.m.
Before Judge: MICHAEL D DIREDA
This hearing will not take place at the courthouse. It will be conducted remotely.
Contact the court to provide your current email address.
If you do not have access to a phone or other electronic device to appear remotely, notify the court.

06-07-2021 SCHEDULING CONFERENCE scheduled on June 16, 2021 at 08:45 AM in 2nd Floor Southwest with Judge MICHAEL D DIREDA

06-07-2021 Filed: Notice for Case 210902394 CN: Judge MICHAEL D DIREDA

06-08-2021 Filed: Return of Electronic Notification

06-09-2021 Filed: Motion Defendants Motion to Dismiss
Filed by: BCIF HOLDINGS I LLC

06-09-2021 Filed: Return of Electronic Notification

06-16-2021 Minute Entry - SCHEDULING CONFERENCE
Judge: MICHAEL D DIREDA
Clerk: juanaq
TELEPHONE CONFERENCE
PRESENT
Plaintiff(s): CHARLESWORTH APARTMENTS LLC
Plaintiff(s): HIGHLAND APARTMENTS LLC
Plaintiff's Attorney(s): MATTHEW KOYLE
Defendant's Attorney(s): G TROY PARKINSON
Other Parties: BILL CALDWELL
Video
Tape Number: 2D 06162021 Tape Count: 845-910
HEARING

Matter is before the court for a scheduling conference.

Mr. Koyle requests the court hold an evidentiary hearing on its denial of the temporary restraining order.

Court hears from counsel.

The court denies the request for hearing. Comments are made for the record in the event Mr. Koyle decides to appeal the decision.

Mr. Parkinson shall prepare the Order for the courts signature. Order is to be prepared within the next two weeks.

06-24-2021 Note: Order forwarded to MDD for review.
06-24-2021 Filed: Order (Proposed) Denying Plaintiffs Motion for Ex-Parte Temporary Restraining Order and Preliminary Injunction
06-24-2021 Filed: Return of Electronic Notification
06-29-2021 Filed order: Order Denying Plaintiffs Motion for Ex-Parte Temporary Restraining Order and Preliminary Injunction
Judge MICHAEL D DIREDA
Signed June 29, 2021
06-29-2021 Filed: Return of Electronic Notification
06-30-2021 Filed: Amended Complaint
06-30-2021 Filed: Return of Electronic Notification
06-30-2021 Filed: Motion to Enlarge Time
Filed by: CHARLESWORTH APARTMENTS LLC
06-30-2021 Filed: Return of Electronic Notification
07-02-2021 Filed: Opposition to Motion to Dismiss
07-02-2021 Filed: Return of Electronic Notification
07-16-2021 Filed: Reply Memorandum in support of Defendants Motion to Dismiss
07-16-2021 Filed: Request/Notice to Submit for Decision
07-16-2021 Filed: Return of Electronic Notification
07-28-2021 Note: NTS to MDD
08-04-2021 Note: Per MDD; schedule for hearing on NTS
08-06-2021 Note: email to counsel
08-09-2021 NOTICE for Case 210902394 ID 22041778
Judge: MICHAEL D DIREDA
ORAL ARGUMENT is scheduled.
Date: 09/15/2021
Time: 09:00 a.m.
Before Judge: MICHAEL D DIREDA
This hearing will not take place at the courthouse. It will be conducted remotely.
Contact the court to provide your current email address.
If you do not have access to a phone or other electronic device to appear remotely, notify the court.
08-09-2021 ORAL ARGUMENT scheduled on September 15, 2021 at 09:00 AM in 2nd Floor Southwest with Judge MICHAEL D DIREDA
08-09-2021 Filed: Notice for Case 210902394 CN: Judge MICHAEL D DIREDA
08-10-2021 Filed: Return of Electronic Notification
09-15-2021 Minute Entry - ORAL ARGUMENTS
Judge: MICHAEL EDWARDS
Clerk: juanaq
PRESENT
Plaintiff's Attorney(s): MATTHEW KOYLE

Defendant's Attorney(s): G TROY PARKINSON

Video

Tape Number: 2D Tape Count: 902-1102

HEARING

Matter is before the court for oral arguments on the defendant's motion to dismiss.

The court hears from Mr. Parkinson.
The court hears from Mr. Koyle.

Court takes a recess before making a decision.

Mr. Koyle has withdrawn the issue of authority, therefore, no decision is made as to that issue. The court makes a record of the facts and grants the motion to dismiss. The court also awards attorney's fees to the defendant's as required in the contracts.

An affidavit as to attorney's fees should be filed if there is an objection from Mr. Koyle.

Mr. Parkinson shall prepare the necessary paperwork for the courts signature.