

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-011074

02/23/2010

HON. ROBERT H. OBERBILLIG

CLERK OF THE COURT
L. Muhammad
Deputy

PANDORA ALLEN

RYAN D JOHNSON

v.

CARL TERRY RICHMOND

ROBERT S CRONIN

ED F HENDRICKS JR.
COURT ADMIN-CIVIL-ARB DESK

MINUTE ENTRY

The Court has read:

- (1) *Defendants' Rule 56 Motion for Summary Judgment* and (2) *Rule 56(c)(2) Statement of Facts by Defendants Carl Terry Richmond and Linda S. Richmond* filed December 31, 2009.
- (1) *Plaintiff's Response to Defendants' Motion for Summary Judgment* and (2) *Plaintiff's Separate Statement of Controverting Facts* filed February 4, 2010.
- *Defendants' Reply to Plaintiff's Response to Their Motion for Summary Judgment* filed February 12, 2010.

Oral argument was requested; however, the Court is of the opinion that the parties have fully and amply briefed the issue in their pleadings; therefore, oral argument would not assist the Court. Consequently, pursuant to Rule 7.1(c), Ariz.R.Civ.P., the Court will resolve the Motion without oral argument.

The Court finds:

- Plaintiff concedes that any claim for personal injury is barred.
- Defendants do not presently challenge the Plaintiff's right to assert a diminution in the value as to the property damage claim.

IT IS ORDERED granting *Defendants' Rule 56 Motion for Summary Judgment* on the personal injury claim only.

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IT IS ORDERED the diminution in value as to the property damage claim shall REMAIN.

Pursuant to *Plaintiff's Motion to Continue on the Inactive Calendar* filed February 10, 2010, and good cause appearing, IT IS ORDERED continuing this matter on the Inactive Calendar for an additional 120 days from the currently scheduled dismissal date of March 2, 2010 to **June 23, 2010**, all in accordance with the formal written *Order* signed by the Court and filed by the Clerk February 23, 2010.

IT IS ORDERED affirming Civil Court Administration's October 30, 2009 Minute Entry Order appointing Arbitrator Ed F. Hendricks to arbitrate this case. Arbitration proceedings shall be completed on or before **April 23, 2010**.

**HONORABLE ROBERT H. OBERBILLIG
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This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

PLEASE NOTE: Effective June 14, 2010:

Judge Robert Oberbillig will rotate to the Civil Presiding Judge position and will assume Civil calendar CVJ01.

Judge Gary Donahoe will assume Judge Oberbillig's current Civil calendar CVJ09 at the following location. Please note the change in location.

**HONORABLE GARY DONAHOE
EAST COURT BUILDING
5TH FLOOR
101 WEST JEFFERSON STREET
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602-506-3712 TEL**