

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-004925

06/26/2017

HONORABLE KERSTIN LEMAIRE

CLERK OF THE COURT
D. Charbagi
Deputy

GIL HACOEN

GIL HACOEN

v.

J LEVINE AUCTION AND APPRAISAL L L C LOREN MOLEVER

RULING

The Court has carefully reviewed the Defendant's Motion for Protective Order re: Discovery-Deposition as well as the Response and Reply thereto. The Court has also benefited from the oral arguments of counsel. The Court has also considered the relevant case law, statutes and rules of court. Lastly the Court considered the legal file in this matter.

Given that Defense counsel, for purposes of a pending motion for summary judgment, assumes the truth of the facts as set forth in Plaintiff's complaint, the Court agrees that it would be an unnecessary cost for Plaintiff to conduct the three depositions of Defendant's principal and two employees. Given that the pending motion for summary judgment concedes the operative facts and argues that Plaintiff's suit cannot prevail based on the contract between the parties or under Arizona law, Plaintiff does not need to conduct additional discovery to respond to the motion.

IT IS ORDERED GRANTING the Defendant's Motion for Protective Order re Discovery – Depositions.