

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-007965

05/23/2003

HONORABLE JOHN A. BUTTRICK

CLERK OF THE COURT  
C.I. Miller  
Deputy

FILED: 05/26/2003

LARRY SILVER

JOEL E SANNES

v.

GREAT BASIN TECHNOLOGIES LTD

REDFIELD T BAUM JR

ERIC L COOK

**RULING MINUTE ENTRY**

The court previously took under advisement Plaintiff's Application for Injunctive Relief and has now reviewed all briefing and evidence submitted.

Plaintiff seeks injunctive relief under A.R.S. § 29-682(C) to enforce the sale provision of the parties' Operating Agreement section 10.15.

Having heard the evidence and reviewed the written submissions of the parties,

IT IS ORDERED denying the Plaintiff's motion without prejudice, for at least the following reasons:

1. There is significant evidence that the subject LLCs did not "retain" the appraiser as required by the Operating Agreement; and
2. There is insufficient evidence on the record establishing that the individual who performed the actual appraisal was one of the three appraisers on the list of nominated appraisers required by the Operating Agreement.

These are material nonconformities with section 10.15. As such, Plaintiff is not entitled to the requested relief.