

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-008882

12/18/2006

HONORABLE KENNETH L. FIELDS

CLERK OF THE COURT
D. Whitford
Deputy

MICHAEL NORMAN, et al.

H NORMAN STONE

v.

GJON N NIVICA JR., et al.

DAVID B ROSENBAUM

TRAVIS B HILL
RICHARD V MACK

RULINGS ON MOTIONS TAKEN UNDER ADVISEMENT

The Court has under advisement the Defendants' Motion for Partial Summary Judgment on the issue of damages and Plaintiffs' Motion to Strike Reply.

After consideration of the pleadings and oral argument of counsel,

IT IS ORDERED:

1. Denying Plaintiffs' Motion to Strike Reply, and
2. Granting the Defendants' Motion for Partial Summary Judgment on the issue of damages. Plaintiff may not recover damages for remediation and diminution of value from defendants Danesi, Foltz and Realty Executives because of the Economic Loss Doctrine. *Carstens v. City of Phoenix*, 206 Ariz. 123 (App. 2003).