

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
01/25/2002

01/18/2002

CLERK OF THE COURT
FORM V000A

HONORABLE REBECCA A. ALBRECHT

L. Falkenburg
Deputy

CV 2000-009106

FILED: _____

REGENCY HOUSE ASSOCIATION

BURTON T COHEN

v.

PERRY PICKERT, et al.

LAWRENCE R MOON

MINUTE ENTRY

2:28 p.m. This is the time set for oral argument on Plaintiff's Motion for Summary Judgment Upon Counterclaims. Plaintiff is represented by counsel, Burton T. Cohen. Defendant Tondu is represented by counsel, Lawrence R. Moon.

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

Argument is presented to the Court.

LET THE RECORD REFLECT that disclosure of witnesses was closed in October 2001. All discovery was closed on December 15, 2001.

Those matters which have been provided to the Court since December 15, 2001, which include persons who were not disclosed in compliance with the Court's orders, cannot be a part of the trial. They, therefore, cannot be a part of the basis upon which this Court would deny a motion for summary judgment.

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Considering the pleadings which have been properly filed, the response fails to set forth any issues which would entitle Defendant/Counterclaimant Ms. Tondu to have her matters decided by the jury.

Considering those matters which have been untimely filed, even ignoring the fact they are not affidavits, there is nothing presented to the Court which would entitle Ms. Tondu to have her counterclaims resolved by a jury.

IT IS ORDERED granting Plaintiff's Motion for Summary Judgment Upon Counterclaims.

IT IS FURTHER ORDERED dismissing counterclaims filed by Defendant Tonya Tondu.

This matter will proceed to trial by a jury, on the primary complaint, on January 28, 2002.

Discussion is held re: counsel's preference of jury or bench trial and possible resolution of this matter. If counsel have resolved this matter through private mediation, they are to contact this division at 602-506-3727. If this matter proceeds to trial, counsel shall contact this division if a jury trial is not necessary.

3:20 p.m. Matter concludes.