

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-050858

01/22/2014

HONORABLE MICHAEL D. GORDON

CLERK OF THE COURT
M. MINKOW
Deputy

LABADI FAMILY LIMITED PARTNERSHIP, et ROGER T HARGROVE
al.

v.

BELLASERA COMMUNITY ASSOCIATION JASON E SMITH
INC

**STIPULATION REACHED
HEARING VACATED**

Prior to the commencement of the hearing, Plaintiffs' exhibits 1 through 15 are marked for identification.

2:34 p.m. Courtroom 108 NE. This is the time set for Evidentiary Hearing Re: Plaintiffs' Application for Temporary Restraining Order and Preliminary Injunction, filed January 13, 2014. Appearing on behalf of Plaintiffs are counsel, Roger T. Hargrove and Jenna Rose Swiren. Appearing on behalf of Defendant are counsel, Jason E. Smith and Lindsey Stearns.

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

Counsel respond to questions of the Court.

2:57 p.m. Court stands at recess to allow the parties to discuss their options.

3:31 p.m. Court reconvenes with respective counsel present.

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The parties advise that they have reached a stipulation which is set forth on the record as follows: When Bellasera Community Association reaches the point that they have approval to go forward to enter into a contractual relationship with Verizon, they will give Plaintiffs five business days notice so that Plaintiffs can proceed to take action in the court if they think it is appropriate.

Based on the parties' stipulation,

IT IS ORDERED vacating today's Evidentiary Hearing.

IT IS FURTHER ORDERED AFFIRMING the April 21 and 22, 2014 trial dates.

IT IS FURTHER ORDERED that the parties shall participate in private mediation no later than March 10, 2014. Plaintiffs having no objection, Defendant's insurance representative may appear telephonically for the mediation.

IT IS FURTHER ORDERED that pursuant to the parties' stipulation, Defendant shall give Plaintiffs at least five business days notice prior to entering into any contract with Verizon and give Plaintiffs immediate notice of any approval received for the Board of Directors to enter into a contract with Verizon.

3:38 p.m. Matter concludes.

IT IS ORDERED releasing all exhibits not offered in evidence to the party causing them to be marked.

ISSUED: Exhibit Release Form (1)

FILED: Exhibit Worksheet

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.