

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-011845

01/25/2017

HONORABLE KERSTIN LEMAIRE

CLERK OF THE COURT  
A. Arnold  
Deputy

DONA LISA JOHNSON

JAMES ROBERT ECKLEY

v.

BERNARD POTOFF, et al.

LYN ANNE BAILEY

MARIA R KUPILLAS  
RICHARD V MACK  
ROBERT J SPURLOCK  
THOMAS A STOOPS

MATTER UNDER ADVISEMENT

East Court Building – Courtroom 711

9:07 a.m. This is the time set for an Oral Argument. Counsel, John Harris is present on behalf of the Plaintiff, Dona Lisa Johnson. Counsel, Lyn Anne Bailey is present on behalf of the Defendants, Bernard Potof and Elizabeth Potof. Counsel, Robert Spurlock is present on behalf of the Defendants, Echo Farrell, Karen Warren, Farrell Fine Homes LLC and Robert Farrell. Counsel, Evan Schube is present on behalf of the Defendants, Ashlie Van Winkle, James Dunning, and Go Big LLC. Counsel, Thomas Stoops is present on behalf of the Defendant, Cynthia Bruce.

A record of the proceedings is made digitally in lieu of a court reporter.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-011845

01/25/2017

Argument is presented to the Court regarding the following:

- Defendants Motion for Summary Judgment on (I) Consumer Fraud; (II) Constructive Fraud; (III) Common Law Fraud; and (IV) Punitive Damages filed on September 30, 2016.
- Plaintiff's Motion for Partial Summary Judgment on the Issue of Paragraph 6(H) in the Standard Form Purchase Contract, I.E., Motion to Strike Paragraph 6(H) From Standard Form Contract filed on October 4, 2016.
- Defendants' Motion for Summary Judgment- Release filed on October 4, 2016.
- Plaintiff Buyer's Motion for Partial Summary Judgment Against Defendant Seller for Liability Purposes for Breach of Contract filed on October 4, 2016.
- Plaintiff's Motion for Partial Summary Judgment on the Issue of Duty of a Real Estate Licensee filed on October 4, 2016.
- Defendants' Motion for Partial Summary Judgment on Counts I through IV of Plaintiffs' Verified Second Amended Complaint (Negligence, Negligent Misrepresentation, Consumer Fraud, Common Law Fraud) filed on October 4, 2016.

10:48 a.m. Court stands at recess.

11:34 a.m. Court reconvenes with respective parties and counsel present.

A record of the proceedings is made digitally in lieu of a court reporter.

Argument continues.

Based upon the matters presented,

**IT IS ORDERED** taking these matters under advisement.

11:18 a.m. Matter concludes.