

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2015-094118

03/25/2016

HON. ROBERT H. OBERBILLIG

CLERK OF THE COURT

I. Ostrander

Deputy

STEPHEN S EDWARDS

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1765 N LEMON ST

MESA AZ 85205

v.

SANDRA L SMITH, et al.

AMANDA BREEMES

F RICHARD CANNATA JR.

**CASE DISMISSED**

The Court has read the following:

- *Defendant AAM, LLC and Sandra L. Smith's Motion to Dismiss for Plaintiff's Non-Appearance at Deposition* electronically filed on March 2, 2016;
- *Defendant Mulvaney's Joinder in Motion to Dismiss* electronically filed on March 3, 2016;
- *Plaintiff's Opposition to Defendants AAM, LLC and Sandra L. Smith's Motion to Dismiss for Plaintiff's Nonappearance at Deposition* filed on March 14, 2016;
- *Defendants AAM, LLC and Sandra L. Smith's Reply to Defendants' Motion to Dismiss for Plaintiff's Nonappearance at Deposition* electronically filed on March 17, 2016;
- *Plaintiff Motion for Protective Order Regarding Deposition of Stephen Edwards* filed on March 3, 2016;

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- *Defendants Sandra L. Smith and AAM, LLC Response to Plaintiff's Motion for Protective Order Regarding Deposition of Stephen Edwards* electronically filed on March 3, 2016; and
- *Defendant Mulvaney's Joinder in Response to Motion for Protective Order Regarding Deposition of Stephen Edwards* electronically filed on March 4, 2016.

The Defendants' Motion to Dismiss and Joinder therein are well taken. A video deposition is permitted by Rule 30, Arizona Rules of Civil Procedure. Mr. Edwards has unreasonably refused to participate in discovery.

**IT IS ORDERED** granting Defendants' Motion to Dismiss for Plaintiff's failure to prosecute.

**IT IS FURTHER ORDERED** dismissing this entire action, with prejudice.

**IT IS FURTHER ORDERED** denying the requests for monetary sanctions.

**IT IS FURTHER ORDERED** denying Plaintiff's Motion for Protective Order.

**IT IS FURTHER ORDERED** signing this minute entry as a final written order of the Court. **The Court notes that no further matters remain pending and the order is entered pursuant to Rule 54(c) of the Arizona Rules of Civil Procedure.**

DATED this 25<sup>th</sup> day of March 2016.

/S/ HONORABLE ROBERT H. OBERBILLIG

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HONORABLE ROBERT H. OBERBILLIG  
JUDICIAL OFFICER OF THE SUPERIOR COURT