

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-020236

04/11/2006

HON. PAUL A KATZ

CLERK OF THE COURT
W. Bobrowski
Deputy

FILED: 04/14/2006

ASTRAGAL CONDOMINIUM UNIT OWNERS
ASSOCIATION

JOHN F MCGUIRE

v.

ASTRAGAL L L C, et al.

CRAIG A MCCARTHY

WILLIAM D BISHOP
TIMOTHY J BOJANOWSKI
JOHN A BURIC
ADAM B CAMPBELL
DARRELL S DUDZIK
MICHAEL J FRAZELLE
JOHN DUKE HARRIS
DENISE J HENSLEE
MARCELLA ROSE HOFELICH
YVONNE L HORACEK
958 W 1ST AVE
MESA AZ 85210
SCOTT B HUMBLE
STEPHEN E JACKSON
BRADLEY J JOHNSTON
HOPE N KIRSCH
JAMES K KLOSS
PAUL S KULAR
MICHAEL A LUDWIG
ANDREW R PESHEK
RINA K RAI
MITCHELL J RESNICK
GREGORY E WILLIAMS
CHARLES D ONOFRY

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UNDER ADVISEMENT RULING

The Court having taken Third-Party Defendants RTK Electric, Inc. and Hatfield Reynolds Electric Company's Motion to Dismiss and Third-Party Defendants Hatfield Reynolds Electric Company and RTK Electric, Inc.'s Motion to Dismiss Plaintiff's Negligence and Implied Warranty Claims Against Defendant Tibshernay under advisement; having reviewed the memoranda of the parties and legal authorities cited therein; and good cause appearing,

IT IS ORDERED granting Third-Party Defendants' Motion to Dismiss Third-Party Plaintiffs' claims other than their claims for either contractual or common law indemnity, as their other claims are either duplicative of the indemnity claims or not permitted under Rule 14, A.R.Civ.P.

IT IS FURTHER ORDERED denying Third-Party Defendants Hatfield Reynolds Electric Company and RTK Electric, Inc.'s Motion to Dismiss Plaintiff's Negligence and Implied Warranty Claims Against Defendant Tibshernay, this Court finding that Plaintiff's complaint as pled states a claim for negligence and breach of warranty against the developer and general contractor, upon which relief can be granted. It may later be appropriate for this Court to consider a properly filed motion for summary judgment on one or more of the issues presented herein.