

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-008033

04/02/2008

HON. EDWARD O. BURKE

CLERK OF THE COURT
L. Nixon
Deputy

UNITED METRO MATERIALS INC

FRANCES J HAYNES

v.

REQUIP L L C, et al.

REQUIP L L C
NO ADDRESS ON RECORD

WILLIAM J SIMON
SEAN P ST CLAIR

MINUTE ENTRY

The Court has received and reviewed Plaintiff's Motion For Attorneys' Fees and Taxable Costs, Defendants' Response, and Plaintiff' Reply; Plaintiff's Motion To Strike Defendants' Response to Plaintiff's Motion For Attorneys' Fees and Taxable Costs as Untimely and Defendants' Response; Defendants' Objections To Statement of Costs; Plaintiff's Proposed Form of Partial Final Judgment and Defendants Objection to Plaintiff's Form of Partial Final Judgment; Defendants' Memorandum in Support of Apportioning The Amount of Plaintiff's Lien and Plaintiff's Motion for Reconsideration and Response to Memorandum in Support of Apportioning the Amount of Plaintiff's Lien; and enters the following rulings and orders.

1. Plaintiff's Motion to Strike Defendants' Response to Plaintiff's Motion For Attorneys' Fees and Taxable Costs as Untimely is DENIED.
2. Plaintiff's Motion for Reconsideration regarding equitable apportionment is DENIED.
3. IT IS ORDERED setting a hearing on Plaintiff's Motion For Attorneys Fees and Costs and Defendants' objections thereto, on April 18, 2008 at 9:30 a.m.

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4. IT IS FURTHER ORDERED setting a hearing on the proposed forms of partial final judgment on April 18, 2008 at 9:30 a.m.
5. IT IS FURTHER ORDERED setting an evidentiary hearing on the issue of the proper apportionment of the liability of Plaintiff's lien on April 18, 2008 at 10:00 a.m. (90 minutes; each side will have 45 minutes). Counsel's witnesses and exhibits should address the following issues at a minimum:
 - A. Calculation of the square footage of the lots and tracts claimed to have been benefited by Plaintiff's materials;
 - B. Calculation of the lineal footage of those portions of the lots and tracts bordering streets and/or other improvements claimed to have been benefited by Plaintiff's materials;
 - C. The location of the roads and other improvements which Plaintiff's materials were used to construct;
 - D. Evidence regarding the uses made of the tracts dedicated to the Town of Queen Creek and their relationship to the improvements made with the Plaintiff's materials; and
 - E. Any other evidence which supports any party's position on the proper apportionment of the lien.