

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2012-050858

04/08/2013

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

**MATTER UNDER ADVISEMENT**

8:29 a.m. Courtroom 108 NE. This is the time set for Oral Argument Re: Defendant's Motion for Reconsideration Re: Minute Entry Dated January 7, 2013, filed March 5, 2013. Appearing on behalf of Plaintiffs is counsel, Roger T. Hargrove. Appearing on behalf of Defendant is counsel, Jason E. Smith.

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

Argument is heard.

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IT IS ORDERED:

- No later than April 27, 2013, Plaintiffs shall file a First Amended Complaint setting forth the theories, in separate counts, with respect to declaratory judgment of an express easement and the creation of an easement by necessity. Plaintiffs' Motion for Summary Judgment will be allowed to stand on the First Amended Complaint.
- Plaintiff may allege an additional count with respect to interference with an easement.
- No later than May 7, 2013, Defendant shall file its Answer to Plaintiffs' First Amended Complaint.
- No later than May 17, 2013, Plaintiffs shall file a supplemental brief to their original Motion for Summary Judgment addressing: (1) whether the existence of at least one additional access way to the property would preclude the entry of summary judgment on the claim for an easement by necessity; and (2) whether recordation in a plat of an easement is sufficient to grant an expressed easement when that easement is not reflected in the deed.
- No later than May 27, 2013, Defendant shall file its responsive supplemental brief.
- Defendant's Motion for Reconsideration is deemed under advisement effective May 27, 2013.

Argument is heard on the request for attorney's fees.

9:04 a.m. Matter concludes.

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.