

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-094721

04/29/2019

HONORABLE DAVID J. PALMER

CLERK OF THE COURT
K. Tiero
Deputy

WOODMAR I V ASSOCIATION INC

CLINT G GOODMAN

v.

PAUL S RUBIN INC

JAMES A ROBLES JR.

JUDGE PALMER

**UNDER ADVISEMENT RULING
MINUTE ENTRY**

The court heard oral argument relative to a discovery dispute between the parties in this matter. In essence, Plaintiff Woodmar IV Homeowner's Association ("Woodmar") is seeking computer data relative to Defendant Paul S. Rubin, Inc., d/b/a/ PRM Association Management's ("PRM") business operations. In this litigation Woodmar is alleging that PRM has economically damaged Woodmar by mismanagement of the funds of Woodmar, of the Association's financial records through both its failure to keep accurate financial records and its failure to properly disclose those records to Woodmar.

From the statements made by counsel, it appears that there is an agreement that the Woodmar has been granted the ability to copy all relevant data files from PRM's server through conducting an "imaging" of it. However, the parties disagree on whether such imaged material may be removed from the premises of PMR's facilities.

It is the understanding of the court that the imaged copies of the data would be provided to Woodmar with PRM retaining the original versions of that information. It is PRM's desire that it only be required to make the imaged material available to Woodmar's expert for review and inspection at the premises of PRM and that Woodmar only be allowed to examine that material

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with PRM's expert "looking over their shoulder." PRM cites privacy concerns regarding information of association members from other locations other than Woodmar.

Woodmar seeks to take the copies "imaged" from the PRM records, and be allowed to remove the copies they are entitled to from PRM's premises to a separate location, presumably their own business premises or that of their expert, for examination.

Based upon pleadings and arguments made in this case regarding any duties owed by PRM (through it being an agent of the associations itself) to member homeowners, or more appropriately that it does not owe to those homeowners,

IT IS ORDERED Woodmar be allowed to remove from PRM's premises, Woodmar's imaged copies of information taken from PRM's computer servers, lap top and desk top computers and Quick Book files.

With respect to the issue of imaging the cell phones belonging to the owners of PRM, the court makes no orders in that regard at this time as that issue has not been briefed by the parties.