

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-001893

06/12/2008

HONORABLE BETHANY G. HICKS

CLERK OF THE COURT
D. Whitford
Deputy

LINDA JONES

SARA J POWELL

v.

SECURITAS SECURITY SERVICES U S A INC, ROBERT MACKENZIE
et al.

WALTER GROCHOWSKI

RULING ON MATTER TAKEN UNDER ADVISEMENT

The Court has under advisement the Defendant's Motion to Dismiss.

After consideration of the pleadings and oral argument of counsel,

IT IS ORDERED denying the motion.

Motions to Dismiss are disfavored in the pleading stage. These parties have not had the opportunity to fully discover all the facts pertinent to this action. This motion should not be granted unless the Plaintiff could not recover under any set of circumstances.

Determination of whether a duty exists is a question for the Court, however, the Court has identified, at a minimum, the following issues and facts that need to be developed:

- 1) Whether the contract between Securitas and Regency created a duty between Securitas and Jones. (*Professional Sports v. Gillette Security*, 159 Ariz. 218).
- 2) Whether Securitas undertook the duty Regency owed to Jones as described by §324A of the Rest. Second of Torts.

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- 3) If the scope of Securitas duty to Regency and to third parties was expanded by the patrolling of Securitas guards outside Regency grounds.

*Also the Court still requests a more readable version of the contract between Securitas and Regency.