

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-008325

07/16/2004

HONORABLE KENNETH L. FIELDS

CLERK OF THE COURT
D. Whitford
Deputy

FILED: 07/20/2004

BELLVUE HOMEOWNERS ASSOCIATION
INC

JAMES ROGER WOOD

v.

LEONARD ORLANDO, et al.

ANTHONY E YOUNG

ORDER TO SHOW CAUSE HEARING/RULINGS

Prior to the hearing, Defendant's Exhibit 1 is marked for identification.

1:30 p.m. This is the time set for Order to Show Cause Re: Request for Preliminary Injunction. Plaintiff is represented by counsel James Roger Wood. Defendants are represented by counsel Anthony E. Young.

The proceedings are recorded electronically by CD and videotape in lieu of a court reporter.

Plaintiff's counsel invokes the Rule of Exclusion of Witness and the following prospective witnesses are sworn:

Paul Keith Richey
Steven Phillip Brown
Mindy Schooley
Leonard John Orlando

The prospective witnesses are advised of the rule and are asked to leave the courtroom until called upon to testify with the exception of defendant Leonard Orlando.

Plaintiff's case:

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Seven Phillip Brown, previously sworn, testifies.

Plaintiff's Exhibit 2 is marked for identification and received in evidence.

Plaintiff's Exhibit 3 is marked for identification and received in evidence.

Defendant stipulates that the van is parked in the driveway or in plain view more than four hours at a time.

Plaintiff's Exhibit 4 is marked for identification and received in evidence.

Plaintiff's Exhibit 5 is marked for identification and received in evidence.

Mindy Schooley, previously sworn, testifies.

Plaintiff's Exhibit 6 is marked for identification and received in evidence.

Defendant's Exhibit 7 is marked for identification and received in evidence.

Defendant's Exhibit 1 is received in evidence.

Plaintiff's counsel moves for a Directed Verdict/Judgment as a matter of law.

Defense counsel moves for a Directed Verdict/Judgment as a matter of law.

Motions are argued to the Court.

IT IS ORDERED denying Plaintiff's Request for a Preliminary Injunction.

IT I S FURTHER ORDERED denying Plaintiff's Motion for Judgment as a Matter of Law for the reasons stated on the record.

IT I S FURTHER ORDERED granting Defendant's Motion for Judgment as a Matter of Law for the reasons stated on the record.

3:05 p.m. Hearing concludes.

FILED: Case Worksheet; Exhibit Worksheet