

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-019613

07/09/2009

HONORABLE A. CRAIG BLAKEY II

CLERK OF THE COURT  
J. Rutledge  
Deputy

MIRAGE CROSSING RESORT CASITAS  
HOMEOWNERS ASSOCIATION INC

JOHN E CHAIX

v.

MIRAGE HOMES CONSTRUCTION INC, et al.

LOUIS W HOROWITZ

JACK G BARONE  
DANIEL A BEATTY  
JASON J BLISS  
ADAM B CAMPBELL  
WILLIAM H DOYLE  
DOUGLAS H FITCH  
MICHAEL J FRAZELLE  
MICHAEL L GREEN  
JAMES K KLOSS  
LARRY D LANGLEY  
MELISSA LIN  
ANDREW R PESHEK  
MITCHELL J RESNICK  
RICHARD L RIGHI  
JAN-GEORG ROESCH  
DON D SKYPECK

RULING

Pending is Plaintiff's Motion for Extension of Expert Reporting Deadlines, Castle Drywall's Motion for Reconsideration of the Court's February 13, 2008 Minute Entry, and GAC Inc.'s Renewed Application for Attorneys' Fees. Having considered the parties memoranda regarding the aforesaid,

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IT IS ORDERED granting Plaintiff's Motion for Extension of Expert Reporting Deadlines.

IT IS FURTHER ORDERED that all additional inspections shall occur within **three (3) weeks** of the issuance of this Minute Entry and that all experts' reports shall be supplemented within **three (3) weeks** thereafter. The parties are free to take brief, follow-up depositions solely on the issue of any expert's supplemental opinions.

With respect to Castle Drywall's Motion for Reconsideration, and Third-Party Defendants Alvin Concrete's, Arizona Door & Trim's, Eco-Valley's, Gypsum Floor and Maycon Iron Design's Joinder therein, the Court finds that the indemnity provisions at issue do not require these parties to defend Mirage Homes Construction, Inc. and Mirage Homes, LLC. Accordingly,

IT IS ORDERED granting the Motion to Reconsider.

IT IS FURTHER ORDERED vacating the Court's February 13, 2008 Order granting Defendants' Motion for Summary Judgment on the issue of the duty to defend and,

IT IS FURTHER ORDERED vacating any prior orders denying any Third-Party Defendants' Motion for Summary Judgment on the identical issue and type of contractual provision.

In light of the foregoing, Third-Party Defendant GAC shall advise the Court of any remaining issues pending against it, and submit a new proposed form of judgment with a supplemental application for attorneys' fees and costs. Counsel for GAC shall carefully go through his previously submitted billing records and delete those entries that are irrelevant to GAC's Judgment against the Plaintiff (e.g. 3-20-08 entry regarding Plaintiff's Objection to Howard Electric's Application for Attorney's Fees and Costs; 3-21-08 entry regarding Defendant's Objection to GAC's Costs and Fees Application; etc.). Plaintiff and the Defendants may file responsive memoranda as they see fit.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>