

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-092008

07/30/2008

THE HONORABLE LOUIS ARANETA

CLERK OF THE COURT  
M. Brady  
Deputy

APACHE WELLS HOMEOWNERS  
ASSOCIATION INC

SCOTT L POTTER

v.

WALTER A STROMME, et al.

STEVEN W CHEIFETZ

MINUTE ENTRY

9:30 a.m. This is the time set for Order to Show Cause/15 Minute Return Hearing. Scott Potter participates on behalf of Plaintiff. Steve Cheifetz participates on behalf of Defendant.

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

The Court's findings are stated on the record. Discussion indicates that on a temporary basis equity favors maintenance of the status quo rather than conducting an immediate evidentiary hearing to enjoin removal of a portion of Defendants' wall. In addition, issues addressed in a Motion for Summary Judgment may resolve all or some part of the case.

Defendant shall file their Answer by August 5, 2008. Defendant's Motion for Summary Judgment shall be filed by **August 15, 2008**. Plaintiff's Response shall be filed by **September 15, 2008**. Defendants' Reply is due no later than **October 6, 2008**.

**IT IS ORDERED** setting oral argument on **Defendants' Motion for Summary Judgment** for **October 17, 2008 at 11:15 a.m.** before:

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-092008

07/30/2008

THE HONORABLE LOUIS ARANETA  
SOUTHEAST ADULT FACILITY  
222 EAST JAVELINA  
COURTROOM 207  
MESA AZ 85210

**IT IS FURTHER ORDERED as follows:**

Oral argument shall not exceed fifteen (15) minutes for each side. If extended oral argument is necessary, counsel must so advise the Court no later than four (4) court days prior to the date set for hearing so that oral argument can be rescheduled.

Any motion or stipulation for continuance must be filed with the Court no later than four (4) court days prior to the date set for hearing. After that date, no continuances will be granted except for extraordinary circumstances.

Counsel are advised that if the answering memorandum is not timely filed in accordance with the Arizona Rules of Civil Procedure, oral argument may be vacated and the motion will be ruled upon in accordance with Rule 7.1(b), A.R.C.P.

9:52 a.m. Hearing concludes.

**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE  
FEE CURRENTLY IN EFFECT**

This is a JAVS courtroom. In the event a record is made, the Court will provide, upon request, CDs and videotapes regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the JAVS and FTR courtrooms.

If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least 48 hours before the commencement of the proceedings.

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

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A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.