

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-011316

08/06/2015

HON. ROGER E. BRODMAN

CLERK OF THE COURT
D. Harding
Deputy

MATTHEW HILLEBRAND, et al.

MARK BAINBRIDGE

v.

CAMELBACK GARDEN FARMS
HOMEOWNERS ASSOCIATION, et al.

MARK E LINES

JAY J HALL

MINUTE ENTRY

The Court has reviewed plaintiffs' Motion to Request Court Approval to Depose Michael Freeman, the objections filed by defendants Leatherman, Luttrell and Camelback Garden Farms Homeowners Association, and plaintiffs' reply.

Rule 30(a) permits the depositions of parties or expert witnesses, or any other person by "order of the court following a motion demonstrating good cause." Here, the Court finds that plaintiffs have demonstrated good cause to take Mr. Freeman's deposition. Based on plaintiffs' avowals and documents attached to the motion and reply, Mr. Freeman lives at the subject property and was intimately involved in the issues directly related to this litigation. Plaintiffs allege that Mr. Freeman submitted an application to Maricopa County to build a metal carport on Lot 52 during his tenure on the Board of Directors for the Camelback Garden Farms Homeowner's Association. Inquiry into the process and discussions Mr. Freeman had with the Board as a member of the Board and as a representative of Lot 52 appear reasonable and appropriate. The letter dated March 3, 2014 suggests to the Court that Mr. Freeman has relevant information pertaining to the parties' dispute. He appears to have been active in communicating with the neighborhood regarding the approval process. To the extent he made threats to the

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Board which -- as alleged by plaintiffs -- caused the Board to refuse to take action against the disputed building, such comments are relevant.

By allowing the deposition, however, the Court is not giving plaintiffs free reign to ask questions on irrelevant topics pertaining to an unrelated lawsuit.

IT IS ORDERED granting plaintiffs' motion to take the deposition of third party witness Michael Freeman.