

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-008033

09/25/2006

HONORABLE BARRY C. SCHNEIDER

CLERK OF THE COURT
W. Yank
Deputy

UNITED METRO MATERIALS INC

PHILIP R WOOTEN

v.

REQUIP L L C, et al.

WILLIAM J SIMON

MINUTE ENTRY

The court has received Defendants U.S. Development Land, L.L.C., Western Surety Company, Beazer Homes Holdings Corp., Standard Pacific of Arizona, Inc., and Montelena Master Community Association's Motion to Dismiss Counts Five and Six of Plaintiff's Amended Complaint, the Response, and the Reply.

The court notes oral argument has been requested. Pursuant to Rule 7.1(c)(2), Arizona Rules of Civil Procedure, the court determines that, in order to expedite its business, this matter shall be decided without oral argument. The court is fully informed of the issues.

IT IS ORDERED GRANTING said motion.

The court agrees with movants that the economic loss rule bars recovery.

In addition, if Defendants failed to provide the information required by A.R.S. § 33-992.01(I), the statute itself provides Plaintiff with an adequate remedy by prohibiting the owner or other interested party from raising as a defense any inaccuracy in the preliminary twenty (20) day notice.