

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-016976

09/20/2012

HONORABLE GEORGE H. FOSTER, JR.

CLERK OF THE COURT
J. Polanco
Deputy

MICHAEL MERLIE, et al.

STEVEN W CHEIFETZ

v.

VAL VISTA LAKES COMMUNITY
ASSOCIATION, THE, et al.

SCOTT CARPENTER

ROBERT A FOLLMER
1349 E SEA GULL DR
GILBERT AZ 85234-2611
LOIS M FOLLMER
1349 E SEA GULL DR
GILBERT AZ 85234-2611

MATTER UNDER ADVISEMENT

East Court Building – Courtroom 513

9:36 a.m. This is the time set for Oral Argument on Plaintiffs' Motion to Compel Rule 34 Request for Entry upon Land for Inspection against Follmer Defendants, electronically filed on July 31, 2012. Plaintiffs are represented by counsel, Steven W. Cheifetz. Defendant, The Val Vista Lakes Community Association, is represented by counsel, Mark K. Sahl appearing on behalf of Scott Carpenter. Defendant Robert A. Follmer is present telephonically on his own behalf. Defendant Lois M. Follmer is present telephonically on her own behalf.

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

The Court notes that currently pending are Plaintiffs' Motion to Compel; Defendant Follmers' Motion to Seal Medical and Financial Information; and Defendant Follmers' Motion to Continue.

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For the reasons set forth on the record,

IT IS ORDERED denying Defendant Follmers' September 14, 2012 Motion to Continue.

Discussion is held.

Oral argument is presented to the Court.

LET THE RECORD REFLECT Plaintiffs' counsel provides the Court a copy of the CC&Rs for its review.

For the reasons set forth on the record,

IT IS ORDERED granting Plaintiffs' Motion to Compel Rule 34 Request for Entry upon Land for Inspection against Follmer Defendants.

IT IS FURTHER ORDERED Plaintiffs' counsel and a photographer/videographer shall be permitted access to the Defendants' side and rear yards for thirty (30) minutes on October 17, 2012, with the time to be determined by the parties. A representative of the homeowners' association and their counsel may be present at the same time. Plaintiffs shall remain off of the Defendants' property.

Defendants shall also be provided copies of all video and photographs taken of their property.

Discussion is held regarding Defendant Follmers' pending Motion to Seal.

IT IS ORDERED taking Defendant Follmers' September 12, 2012 Motion to Seal Medical and Financial Information under advisement.

10:18 a.m. Matter concludes.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.