

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-005484

10/25/2017

HONORABLE DANIEL J. KILEY

CLERK OF THE COURT
C. Mai
Deputy

CARLY VAN DOX

MATTHEW MCCLELLAN

v.

ARIZONA BILTMORE ESTATES VILLAGE
ASSOCIATION, et al.

JONATHAN D EBERTSHAUSER

RICHARD K MAHRLE

MINUTE ENTRY

The Court has reviewed and considered Defendant ABEVA's Motion for Protective Order or in the Alternative Motion to Quash Defective Subpoena Issued to Defense Counsel; Plaintiff's Response to Defendant ABEVA's Motion for Protective Order; and Defendant ABEVA's Reply in Support of Its Motion for Protective Order.

Because it appears that the subpoena issued to Defendant's counsel's law firm has been withdrawn, the Court need not address issues relating to defects in that subpoena.

The Court agrees with the Plaintiff, however, that to the extent Defense counsel represented Defendant ABEVA in connection with the prior abandonment of the roadway easement, any non-privileged communications in Defense counsel's file regarding that matter, such as the association's communications with homeowners, are discoverable. To the extent Defendant ABEVA believes that certain documents or other information encompassed in the Plaintiff's request is protected by the attorney-client privilege, Defendant ABEVA is, of course, entitled to withhold such documents while providing the privilege log contemplated by Rules 26(b)(6)(A) and 45(c)(5)(C)(i) of the Arizona Rules of Civil Procedure.

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No good cause appearing,

IT IS ORDERED denying all relief requested in Defendant ABEVA's Motion for Protective Order or in the Alternative Motion to Quash Defective Subpoena Issued to Defense Counsel.