

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-092333

11/06/2007

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT
T. Soto
Deputy

VICKI WIRTZ

STEVEN W CHEIFETZ

v.

DREAMLAND VILLA COMMUNITY CLUB
INC

CHARLES E MAXWELL

MINUTE ENTRY

The Court has received and reviewed Defendant Dreamland Villa Community Club, Inc.'s Motion for Summary Judgment, Plaintiff's Response and Motion to Dismiss, Defendant's Reply and Response to Plaintiff's Motion, and Plaintiff's Reply in Support of her Motion.

The parties both want this matter dismissed. Instead of making that happen, perhaps with a stipulation to allow both sides to seek their fees and costs, the parties have treated the Court to a healthy stack of documents urging that the Court grant summary judgment (Defendant) or simply dismiss (Plaintiff). The parties frankly admit that this action is now moot and they are essentially positioning themselves to submit applications for attorneys' fees. Further, the papers reflect ample gamesmanship on both sides.

IT IS ORDERED granting Plaintiff's Motion to Dismiss. This matter is dismissed with prejudice.

IT IS FURTHER ORDERED denying Defendant's Motion for Summary Judgment.

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By granting Plaintiff's Motion and denying Defendant's Motion, the Court is not deciding who the prevailing party is for purposes of a possible fee application. However, the Court advises the parties that based on what was contained in the two motions ruled on above, both parties will have an uphill battle to convince the Court to award fees.