

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-008033

12/26/2006

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, LLC, Western Surety Company, Beazer Homes Holdings Corp., Standard Pacific of Arizona, Inc., Montelena Master Community Association, and Compass Bank's Motion for Partial Summary Judgment, Plaintiff's Cross-Motion for Partial Summary Judgment, all the Responses, and all the Replies.

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 DENYING Defendants U.S. Development Land, LLC, Western Surety Company, Beazer Homes Holdings Corp., Standard Pacific of Arizona, Inc., Montelena Master Community Association, and Compass Bank's Motion for Partial Summary Judgment.

IT IS FURTHER ORDERED DENYING Plaintiff's Cross Motion for Summary Judgment.

At this early stage in the proceedings there appears to be numerous factual issues that should be developed before judgment for either side may be entered.

This ruling renders moot the Rule 56(f) relief that was requested.