

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-019613

12/07/2007

HONORABLE A. CRAIG BLAKEY II

CLERK OF THE COURT
L. Gilbert
Deputy

MIRAGE CROSSING RESORT CASITAS
HOMEOWNERS ASSOCIATION INC

JOHN E CHAIX

v.

MIRAGE HOMES CONSTRUCTION INC, et al.

JILL ANN HERMAN

JACK G BARONE
DANIEL A BEATTY
JASON J BLISS
ADAM B CAMPBELL
DOUGLAS H FITCH
MICHAEL J FRAZELLE
MICHAEL L GREEN
SUSANNE E INGOLD
MELISSA LIN
JAN-GEORG ROESCH
KACI YOUNG BOWMAN
JOHN A ELARDO

MINUTE ENTRY

9:05 a.m. This is the time set for Oral Argument. Plaintiff is represented by counsel, John E. Chaix and John A. Elardo. Mirage Homes, LLC and Mirage Homes Construction, Inc. are represented by counsel, Jill Ann Herman, Louis W. Horowitz and William Mettler. GAC, Inc. is represented by counsel, Jason J. Bliss. Castle Drywall, Inc., Del Rio Drywall Corp. and David R. Howard Electric, Inc. are represented by counsel, Melissa Lin. Alvin Concrete, Arizona Door and Trim, Dotty and Sons Contracting, Inc., Eagle Valley Construction, Inc.,

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Maycon Iron Design and Gypsum Floor Masters, Inc. are represented by counsel, Daniel A. Beatty. Castle Drywall, Inc. is represented by counsel, Kaci Bowman. Jordan Windows is represented by counsel, Mark Nickel. Eagle Ventures USA, Inc. is represented by counsel, F. Lisa Allen and Michael L. Green. Markham Contracting Co., Inc. is represented by counsel, Jan-Georg Roesch. Century Roofing and OPTCO are represented by counsel, Jack G. Barone and Kelly Hedberg. Jedkco Construction ACC and Alvin Concrete, Inc. are represented by counsel, Adam B. Campbell. Sunrise Stucco, Inc. is represented by counsel, Susanne E. Ingold. Bill Sisson Plumbing, Inc. is represented by counsel, Michael J. Frazelle.

Court reporter, Marylynn LeMoine, is present.

Argument is presented.

IT IS ORDERED taking the following Motions under advisement:

1. Plaintiff's Motion for Partial Summary Judgment re: Liability.
2. Third-Party Defendants Castle Drywall, Del Rio Drywall and David Howard Electric's Motion for Summary Judgment on Claims for Damages for Allegations of Defect Not Supported by Evidence.
3. Third-Party Plaintiff's Mirage Defendants' Motion for Partial Summary Judgment re: Contractual Indemnity and Defense Obligations.
4. Third-Party Defendant Century Roofing's Motion for Partial Summary Judgment re: Duty to Defend.
5. Third-Party Defendant Century Roofing's Motion for Partial Summary Judgment re: Express Indemnity.
6. Third-Party Defendant Century Roofing's Motion for Partial Summary Judgment re: Negligence and Strict Liability.
7. Mirage Defendants' Motion for Summary Judgment re: Plaintiff's Cause of Action No. 4, Breach of Contract.
8. Mirage Defendants' Motion for Summary Judgment re: Plaintiff's Cause of Action No. 3, Breach of Fiduciary Duty.

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9. Third-Party Defendant Markham Contracting Co., Inc.'s Motion for Partial Summary Judgment re: Express Contractual Claims.
10. Third-Party Defendant Sunrise Stucco, Inc.'s Motion for Summary Judgment re: No Right to Common Law Indemnity.
11. Third-Party Defendant GAC, Inc.'s Motion for Summary Judgment re: HVAC Claims.

Discussion is held regarding Defendant Markham's Motion to Dismiss Implied Warranty Claim.

The parties agree that the Court can rule on said Motion without oral argument. Therefore, Defendant Markham's Motion to Dismiss Implied Warranty Claim is taken under advisement.

IT IS FURTHER ORDERED denying Third-Party Defendant GAC, Inc.'s Motion for Rule 56(f) Continuance re: Plaintiff's Motion for Partial Summary Judgment re: Liability.

11:01 a.m. Matter concludes.