

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-024945

12/24/2008

HON. EDWARD O. BURKE

CLERK OF THE COURT
M. Krugman/L. Nixon
Deputy

SAGUARO HIGHLANDS COMMUNITY
ASSOCIATION

MAURA A ABERNETHY

v.

JACK C BILTIS, et al.

MARTIN F DEINHART

MINUTE ENTRY

Prior to hearing exhibits 1 through 12, inclusive, are marked for identification.

8:16 a.m. This is the time set for Order to Show Cause Evidentiary Hearing. Plaintiff is present with counsel, Maura Abernethy for J. Roger Wood. Defendant, Jack C. Biltis, is present with counsel, Martin F. Deinhart. Nino Pascale, a representative for Saguaro Highlands Community Association is also present.

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

Discussion is held regarding Defendant's Motion for Entry of Final Judgment on Order Denying Application to Compel Arbitration pursuant to the provisions of Rule 54(b).

IT IS ORDERED Defendant's Motion is DENIED.

Opening statements are presented.

Plaintiff's case:

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Nino Pascale is sworn and testifies.

Exhibits 1 through 5 are received in evidence.

Nino Pascale continues to testify.

Exhibit 12 is received in evidence.

Nino Pascale testifies further.

Witness is excused.

Plaintiff rests.

Defendant's case:

Jack C. Biltis is sworn and testifies.

Exhibits 6, 7, 8 and 9 are received in evidence.

Jack C. Biltis continues to testify.

Exhibit 10 is received in evidence with the exclusion of two photographs identified as:
6419 Running Deer and 27582 N. 67th Way.

Jack C. Biltis testifies further.

9:18 a.m. Court is at recess.

9:20 a.m. Court reconvenes with all parties present.

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

Jack C. Biltis continues to testify.

Witness is excused.

Nino Pascale is recalled and testifies.

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Discussion is held.

The Court reverses its' prior ruling,

IT IS ORDERED GRANTING Defendant's Motion for Entry of Final Judgment on Order Denying Application to Compel Arbitration and staying the proceeding pending the outcome of the appeal process. Defendant's counsel shall file a proposed form of Final Judgment by December 26, 2008.

IT IS FURTHER ORDERED permanently releasing all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee.

Defendant's exhibit # 11 is returned to counsel, Martin Deinhart.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

9:37 a.m. Hearing concludes.

FILED: Trial/Hearing Worksheet, Exhibit Worksheet
ISSUED: Exhibit Release Form (1)