



1 CA-CV 10-0235

**IT IS ORDERED** taking this matter under advisement.

**NOTICE TO PARTIES:** If advance notice is desired in the event this appeal is resolved by the filing of an Opinion, Division One of the Arizona Court of Appeals now posts a "Notice of Forthcoming Opinions" on its Web Site. This regularly-updated Notice identifies for Web Site users, by number and title, pending cases in which the court anticipates issuing an Opinion on the following business day. These Notices of Forthcoming Opinions will generally be posted after 2:00 p.m. on the day preceding the actual filing of the Opinion. The Notices may be viewed by following the "Forthcoming Opinions" link on the Menu Bar on Division One's home page at <http://www.cofad1.state.az.us>. Division One also provides a free electronic mailing list to notify subscribers automatically by email each time an Opinion is posted on the Web Site. Please check the Menu Bar on Division One's home page for a link to sign up for this service. Additionally, Division One posts all its newly filed Memorandum Decisions and Decision Orders on its Web Site within a few days after their issuance.

1 CA-CV 10-0235

Memorandum Decisions and Decision Orders remain on the Web Site for approximately one year and are removed thereafter, except Tax Memorandum Decisions and Decision Orders will remain posted on the web site for three years. ARCAP 28.1. These decisions can be viewed and searched by using the "Memorandum Decisions Div 1" and "Memorandum Decisions Search" links on the Menu Bar of Division One's home page.

**DATED** this 4th day of January, 2011.

---

PRESIDING JUDGE, Department B

A true copy of the foregoing  
was mailed

Charles E Maxwell  
Brian W Morgan  
Paul R Neil  
Maxwell & Morgan PC  
Suite 103  
2500 South Power Road  
Mesa, AZ 85209  
Attorneys for: Plaintiff/Appellee

Scott A Malm  
Gust Rosenfeld PLC  
Suite 1600  
One E Washington  
Phoenix, AZ 85004  
Attorney for: Intervenors/Appellants

Ruth Willingham, Acting Clerk

By \_\_\_\_\_  
Deputy Clerk