

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-019511

05/04/2023

HONORABLE JOAN M. SINCLAIR

CLERK OF THE COURT
K. Chocoj
Deputy

JENNIFER DUNCAN, et al.

RODNEY GALARZA

v.

LABLONDE DEVELOPMENT
CORPORATION, et al.

BENJAMIN J BRANSON

VENESSA J BRAGG
J GREGORY CAHILL
TEODORO RODRIGUEZ DE LA ROSA
8414 S CENTRAL AVE LOT 58
PHOENIX AZ 85042
DANIELLE EDMONDS
ALEJANDRA ESTRADA
7714 W WELDON AVE
PHOENIX AZ 85033
JUAN LOPEZ
7714 W WELDON AVE
PHOENIX AZ 85033
RICHARD V MACK
JENNIFER R REBHOLZ
AMORETTE C RINKLEIB
KURT M ZITZER
JUDGE SINCLAIR

MINUTE ENTRY

East Court Building: Courtroom 911

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10:08 a.m. This is the time set for Oral Argument regarding Plaintiffs' Motion for Reconsideration and Request for Evidentiary Hearing filed November 18, 2022, and Plaintiffs' October 21, 2022, Application for Attorney's Fees and Costs. Plaintiffs Jennifer Duncan and Raymond Duncan are present and represented by counsel, Rodney Galarza. Defendant Talus Homeowners Association is represented by counsel, Haidyn Dilorenzo. Defendant/Third-Party Plaintiff Lablonde Development Corporation is represented by counsel, Benjamin J. Branson. Defendant/Third-Party Defendant Sunwest Flooring Inc. is represented by counsel, Gregory J. Cahill. Defendant/Third-Party Defendant Storm Electric is represented by counsel, Jennifer R. Rebholz. Defendant/Third-Party Defendant Window Products is represented by counsel, Danielle Edmonds. Defendant/Third-Party Defendant Juan Lopez is present on his own behalf. Defendant/Third-Party Defendant Alejandra Estrada is present on her own behalf. Defendant/Third-Party Defendant Teodoro Rodriguez De La Rosa is present on his own behalf. All participants are present and connected via Court Connect/ Microsoft Teams.

A record of the proceedings is made digitally in lieu of a court reporter.

Counsel for Defendant/Third-Party Plaintiff Lablonde Development Corporation advises Third-Party Defendants to contact (602)322-4045 to discuss their involvement further.

Discussion is held regarding Defendants/Third-Party Complaint for Breach of Contract-Duty to Defend, Breach of Contract-Express Indemnity, Breach of Covenant of Good Faith and Fair Dealing-Contract, Unjust Enrichment, Breach of Warranty-Express, Breach of Warranty-Implied, Negligence, Common Law Implied Indemnity/Equitable Indemnity/ Contribution, Contribution, Breach of Contract-Duty to Indemnify-Declaratory Relief filed January 1, 2023, and Plaintiffs Scheduling Order filed November 9, 2022.

Defendant/Third-Party Plaintiff Lablonde Development Corporation shall meet and confer with all Third-Party Defendants to discuss Rule 16 issues and present them to the Court.

Argument is presented regarding Plaintiffs' Motion for Reconsideration and Request for Evidentiary Hearing filed November 18, 2022.

Based on the arguments presented,

Plaintiff's and Defendant Talus Homeowners Association shall submit a Notice of status to the Court by June 16, 2023. If the case has not been resolved, the Court shall take Plaintiffs' Motion for Reconsideration and Request for Evidentiary Hearing filed November 18, 2022, and Plaintiffs' October 21, 2022, Application for Attorney's Fees and Costs under advisement.

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IT IS ORDERED issuing a preliminary injunction prohibiting additional fines as of May 4, 2023.

Discussion is held regarding the attorney fees for Defendant Talus Homeowners Association and regarding Third-Party Defendants.

As stated previously on the record, Third-Party Defendants with questions pertaining to their involvement in the case shall contact counsel for Defendant/Third-Party Plaintiff Lablonde Development Corporation, Benjamin J. Branson, at (602)322-4045 to discuss the matter further.

10:41 a.m. Matter concludes.