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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCONINO**

Mark R. Moran, Presiding Judge
Division 3
Date: May 24, 2012

Deborah Young, Clerk
Jenee' Silva, Deputy Clerk
Jonna Baker, Court Reporter

MINUTE ENTRY

ROBERT R. HAWK and CECELIA J.)
HAWK, husband and wife,)
)
 Plaintiffs,)
)
 vs.)
)
PC VILLAGE ASSOCIATION, INC., an)
Arizona corporation,)
)
 Defendants.)

Cause No. CV 2011-00775

**ACTION: Oral Argument re: Application for Attorney Fees /
Oral Argument re: Rule 62(C) Motion to Suspend Enforcement
of Court's March 26, 2012 Ruling Pending Appeal - (UNDER
ADVISEMENT)**

APPEARANCES: The Plaintiff is present with counsel, Tevis Reich. Counsel, J. Gary Linder is present telephonically on behalf of the Defendant.

10:00 a.m. Court is in session.

The Court notes this is the time set on the Court's calendar for a hearing on an Application for Attorney Fees and the recently received Rule 62 (C) Motion to Suspend Enforcement of Court's March 26, 2012 Ruling Pending Appeal.

The Court states that It has reviewed the Petition for the Application of Attorney Fees, together with the exhibits attached thereto, the Opposition and the Reply.

10:03 a.m. Court recesses to address technical difficulties.

10:07 a.m. Court reconvenes.

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The Court recalls the case. The Plaintiff is present with counsel, Tevis Reich and Counsel, J. Gary Linder is present telephonically on behalf of the Defendant.

The Court reiterates that It has reviewed the Petition for the Application for Attorney Fees, together with the exhibits, the Opposition thereto, and the additional request pursuant to Rule 62(C). The Court further states It has reviewed the Memorandum.

Counsel Linder presents oral argument to support his objection to the Application for Attorney Fees.

Counsel Reich marks Plaintiff's exhibit no. 1 for purposes of identification.

Counsel Linder continues to present argument.

Counsel Reich presents his Response and provides the Court with a Supplemental Affidavit of Attorney Fees and costs to include all changes up to this date.

Upon Court inquiry, Counsel Linder advises that he prepared the billing statement (exhibit no. 1) pursuant to a subpoena issued by the Plaintiff. Further, said counsel has no objection to the admission of exhibit no. 1. **IT IS ORDERED** admitting exhibit no. 1 into evidence.

The Court places Its **FINDINGS** on the record.

IT IS ORDERED granting the original Application for Attorney Fees and Costs filed on March 30, 2012.

FURTHER ORDERED granting the Supplemental Application for Attorney Fees and Costs filed on April 20, 2012.

The Court addresses Counsel Reich with regard to the charges on page 1 of the exhibit no. 1 attached to the Second Supplemental Application for Attorney Fees and Costs.

The Court places further **FINDINGS** on the record.

FURTHER ORDERED granting the Second Application for Attorney Fees and Costs only as to the charges on page 2 of exhibit no. 1, to wit, May 22, 2012 and May 23, 2012, as well as the costs associated with the issuance and service of the subpoena.

Court and counsel confer regarding the Motion for Stay of Court's Ruling on March 26, 2012, pending the appeal.

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Counsel agree to address this issue without the necessity of submitting written pleadings.

Counsel Linder presents oral argument on his position on the Motion to Stay Court's Order of March 26, 2012, pending the appeal.

Counsel Reich presents his Response.

Counsel Linder presents his Reply.

Upon Court inquiry, Counsel Reich advises that the Court, in Its Under Advisement Ruling did Order that the Defendant's are enjoined from removing a "For Sale" sign from Plaintiff's property, however, the Court did not issue a formal injunction.

IT IS ORDERED taking the Rule 62(C) Motion to Suspend Enforcement of Court's March 26, 2012 Ruling Pending Appeal **UNDER ADVISEMENT**.

Counsel Reich presents statements regarding certain items that were previously stricken from the Court record.

The Court advises It will not reiterate the Court's previous rulings.

The Court further advises It will issue Its Ruling today.

10:27 a.m.: Hearing is adjourned.



cc: Tevis Reich ESQ
J. Gary Linder ESQ – 2901 No. Central Ave., Ste. 800, Phoenix, AZ 85012

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Category

CV



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