

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-051911

03/11/2016

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
W. Tenoever
Deputy

NORMAN ZWICKY

JON L PHELPS

v.

PREMIERE VACATION COLLECTION
OWNERS ASSOCIATION

JOHN E DEWULF

MATTER UNDER ADVISEMENT

Courtroom 102 - NE

10:01 a.m. This is the time set for Oral Argument on Plaintiff's Motion for Summary Judgment and Defendant's Cross Motion for Summary Judgment. Plaintiff Norman Zwicky is represented by counsel, Jon L. Phelps and Edward L. Barry. Defendant Premiere Vacation Collection Owners Association is represented by counsel, John E. DeWulf and Katherine DeStefano.

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

Arguments are heard.

For the reasons stated on the record,

IT IS ORDERED the plaintiff's motion for summary judgment is granted. The defendant's cross motion for summary judgment is denied.

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IT IS FURTHER ORDERED that within five business days of today's date the plaintiff shall present the Court with a proposed form of order specifying the information that they are asking the Court to order the defendant to produce. The defendant may have five business days to object to the form of order. Plaintiff will then have five business days to respond to the objection. At that point the matter will be under advisement and the Court will enter an order.

IT IS FURTHER ORDERED that within twenty days of today's date the plaintiff shall file an application for fees and costs. The defendant will have ten business days to respond with any objections either to the request for fees generally or to the specifics of the request. The Court will then rule on the matter of attorneys' fees and enter judgment accordingly.

11:23 a.m. Hearing concludes.

11:25 a.m. Court reconvenes with respective parties and counsel present.

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Discussion is held.

Let the record reflect that the Court's ruling today covers everything that was requested by the plaintiff except the request for the identities of the timeshare owners. The plaintiff is directed to address that issue in some fashion in the order proposed to the Court.

11:32 a.m. Hearing concludes.