

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-051911

04/28/2016

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

ORAL ARGUMENT SET

The form of order presented by the plaintiff, and the defendant's objections, raise numerous issues. Among them are: (1) whether the order can or should require the defendant to produce specified records, or categories of records, other than those that the Court identified in the ruling on the summary judgment motion; (2) whether the inspection statute (as distinguished from the discovery rules) requires or permits the Court to order the defendants to produce "custom summaries of accounting data," and whether such an order would be overly burdensome to the defendant; (3) the format in which the records should be produced; (4) the appropriate form of protective order; and (5) which party should bear the cost of producing the records.

In addition, the proposed form of order expressly leaves the case open for further litigation, on at least the question whether the defendants should produce the owners' list, but the parties have not described what proceedings they envision or when those proceedings might be expected to occur. The Court also notes that its order directing the plaintiff to submit his application for attorneys' fees was entered on the assumption that the parties anticipated the immediate entry of some form of final judgment.

So that these issues can be addressed efficiently,

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IT IS ORDERED, on the Court's own motion, setting Oral Argument on Form of Order Granting Summary Judgment and Status Hearing on May 6, 2016 at 9:30 a.m. (30 minutes allotted) before:

Judge John R. Hannah
Northeast Regional Court
18380 N. 40th St., Courtroom 102
Phoenix, Arizona 85032
(602) 372-0759

IT IS FURTHER ORDERED the parties shall meet and confer, prior to the hearing, to resolve as many of the objections to the form of order as possible or, to the extent the issues cannot be resolved, to narrow them for presentation to the Court.