

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-051911

01/20/2017

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

RULING

Courtroom 102 - NE

9:02 a.m. This is the time set for Oral Argument on Defendant's Motion to Set Amount of Supersedeas Bond and Stay Enforcement or Execution of Judgment Pending Appeal. Plaintiff Norman Zwicky is represented by counsel, Jon L. Phelps and Shannon A. Lindner, who appear personally and Edward L. Barry, who appears telephonically. Defendant Premiere Vacation Collection Owners Association is represented by counsel, John E. DeWulf and Katherine DeStefano, who appear personally.

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

Arguments are heard.

IT IS ORDERED that pending the appeal, the injunctive portion of the judgment in this case is modified by adding the following:

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In the event that the plaintiff files a lawsuit concerning the matters that are at issue in this case, the plaintiff shall file the complaint under seal in accordance with the rules of the court where the case is filed or provide the defendant a copy of the complaint in advance and give the defendant a reasonable opportunity to determine whether the complaint or portions of it should be filed under seal and then take steps to make the filing accordingly until the issue of confidentiality can be brought before the court where the case is filed.

IT IS ORDERED that this order is in the alternative and the alternative is up to the plaintiff.

IT IS FURTHER ORDERED that the motion is denied in all other respects.

IT IS FURTHER ORDERED that to the extent that a stay is being requested under Civil Appellate Rule 7(b), that request is denied.

9:33 a.m. Hearing concludes.