

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-037609

05/06/2011

HON. ROBERT H. OBERBILLIG

CLERK OF THE COURT
R. Aguilera
Deputy

MIDFIRST PRIVATE BANK

ANDREW J RUSSELL

v.

COCHISE LOT 1, L L C, et al.

RALPH D HARRIS

MINUTE ENTRY

Courtroom-OCH 309.

Prior to commencement of today's proceedings, Plaintiff's exhibits 1 through 12, inclusive, are marked for identification.

11:14 a.m. This is the time set for Hearing re: Plaintiff's Application for pre-judgment provisional remedies of attachment and garnishment. Plaintiff is represented by counsel, Andrew J. Russell and Mark Lassiter. Defendants are represented by counsel, Ralph D. Harris and Randall Wilkins.

Court Reporter, Janell Rose, is present.

A record of the proceeding is also made by audio and/or videotape.

The Court notes it has received *Defendants' Motion to Quash Subpoena* electronically filed on May 5, 2011.

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Arguments are presented on Defendants' Motion to Quash.

For the reasons stated on the record,

IT IS ORDERED granting Defendants' Motion to Quash Subpoena.

Daniel Hanson is sworn and testifies.

Plaintiff's exhibit 11 is received in evidence for the limited purpose of establishing that this appraisal is what was in the Bank's file and that the numbers included therein are those that were reflected in said appraisal.

Plaintiff's exhibits 9, 10, and 12 are received in evidence for the limited purpose of establishing that these appraisals are what was in the Bank's file and that the numbers included therein are those that were reflected in said appraisals.

Plaintiff's exhibit 1 is received in evidence.

Plaintiff's exhibit 13 is marked for identification.

David Saturno is sworn and testifies.

Plaintiff's exhibit 5 is received in evidence.

12:23 p.m. The court stands at recess.

1:34 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Janell Rose, is present.

A record of the proceeding is also made by audio and/or videotape.

Plaintiff's exhibit 13 is received in evidence.

David Saturno, having resumed the stand, testifies further.

Plaintiff's exhibit 6 is received in evidence.

Arguments are presented to the Court.

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THE COURT FINDS that all legal requirements have been met for the relief discussed this date.

Based on the matters presented and for the reasons stated on the record,

IT IS ORDERED granting Plaintiff's Application for pre-judgment provisional remedies of attachment regarding the artwork in exhibit 1.

IT IS FURTHER ORDERED that Plaintiff's counsel shall submit an appropriate form of Order by **5:00 p.m. on May 9, 2011**, consistent with the Court's ruling this date, for the Court's review and signature.

IT IS FURTHER ORDERED granting the Plaintiff's Motion for reasonable pre-judgment discovery.

The Court notes that, should there be no objection(s) made, it intends to sign the form of Judgment by close of business on May 10, 2011.

2:37 p.m. Matter concludes.

ALERT: eFiling through AZTurboCourt.gov is mandatory in civil cases for attorney-filed documents effective May 1, 2011. See Arizona Supreme Court Administrative Orders 2010-117 and 2011-010. The Court may impose sanctions against counsel to ensure compliance with this requirement after May 1, 2011.