

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-010513

04/03/2012

HON. ROBERT H. OBERBILLIG

CLERK OF THE COURT  
R. Aguilera  
Deputy

DESERT GARDEN HOLDINGS L L C

FRANK L ROSS

v.

MONEY SOURCE L L C, THE, et al.

MONEY SOURCE L L C, THE  
C/O ARIZONA CORP COMMISSION  
1300 W WASHINGTON ST  
PHOENIX AZ 85007

D JOHN DJORDJEVICH  
ISSAM M HABBO  
2440 W BETHANY HOME RD  
PHOENIX AZ 85015

MINUTE ENTRY

Courtroom-OCH 309.

9:22 a.m. This is the time set for Oral Argument related to the issue of actual damages, pursuant to the statute, which was taken under advisement via the Court's January 31, 2012 minute entry. Plaintiff is represented by counsel, Frank L. Ross. Defendants Harjit Singh and Manjit Kaur are represented by counsel, D. John Djordjevich. All parties appear telephonically.

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

The Court notes it has received and read the parties supplemental briefing and Plaintiff's Application for attorney's fees and costs.

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The Court agrees that under contract law, certain things could be considered consequential damages and unless they were within the contemplation of the parties, they will not be recoverable. The Court believes that the statutory reference to actual damages is a broader concept than consequential damages under contract law.

Discussion is held and arguments are presented on the remaining issues, as listed in the Court's January 31, 2012 minute entry.

After considering the evidence and for the reasons stated on the record, the Court is persuaded that all the items requested by Plaintiff were in fact, actual damages. Therefore,

**IT IS ORDERED** awarding to Plaintiff all actual damages as follows:

- \$10,000.00 fee
- \$750.00 appraisal fee
- \$2,000.00 consulting agreement fee
- \$18,474.87 for a short-term extension
- \$3,741.00 ledger from accountant

As it relates to the pre-judgment interest on the \$39,167.51,

**IT IS FURTHER ORDERED** that said interest will relate back to **March 29, 2010**. The Court will award no additional pre-judgment interest on the rest of the claim in this matter.

As it relates to costs,

**IT IS FURTHER ORDERED** awarding to Plaintiff, costs in the amount of \$656.52, and fees in the amount of \$15,000.00, as stated on the record.

**IT IS FURTHER ORDERED** that Plaintiff's counsel shall submit an appropriate form of Judgment, consistent with the Court's ruling this date, for the Court's review and signature by **April 17, 2012**.

Defendant shall file any responses/objections thereto in accordance with the Ariz.R.Civ.P.

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**NOTE: COUNSEL SHALL UPLOAD AND E-FILE ALL PROPOSED ORDERS IN WORD FORMAT ONLY TO ALLOW FOR POSSIBLE MODIFICATIONS BY THE COURT.**

**PLEASE NOTE:** If/when a party files a pleading within 48 hours of a scheduled event, the party should also e-mail same to the Court's Judicial Assistant at the following: ***manderso@superiorcourt.maricopa.gov***

9:42 a.m. Matter concludes.

**ALERT:** The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.