

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-014392

03/15/2016

HONORABLE KERSTIN LEMAIRE

CLERK OF THE COURT
A. Arnold
Deputy

ERIKA WHITE

MARK BAINBRIDGE

v.

RAFFAELE POSILLICO, et al.

RAFFAELE POSILLICO
12323 W COLUMBINE DR
EL MIRAGE AZ 85335

ROBERT R BERK
RICHARD V MACK
ADRIANA POSILLICO
12323 W COLUMBINE DR
EL MIRAGE AZ 85335

RULING

The Court has considered the arguments of counsel at the Oral Argument, the legal file in this matter, the applicable case law and statutes, Defendant Liechi and Summit Home Consultants, LLC's Motion for Summary Judgment and Statement of Facts in Support of Their Motion for Summary Judgment filed October 12, 2015, Plaintiff's Response to Defendants Liechti and Summit Home Consultants, LLC's Motion for Summary Judgment and Plaintiff's Responsive and Controverting Statement of Facts and Statement of Additional Facts filed November 16, 2015, Defendants Leichti and Summit Home Consultants, LLC's Reply in Support of Motion for Summary Judgment filed December 7, 2015.

Candidly after much struggling with the facts as presented, the Court is troubled by Plaintiff's lack of initiative to investigate issues raised by the initial home inspection and appraisal. However, in making every reasonable inference in the light most favorable to Plaintiff,

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the Court cannot make the requisite finding that there are no genuine disputes as to any material facts and Defendants would be entitled to judgment as a matter of law.

The Court cannot stress enough that the parties need to engage in meaningful settlement negotiations to resolve the issues in this matter.