

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-005205

09/11/2007

HONORABLE RUTH H. HILLIARD

CLERK OF THE COURT  
L. Gilbert  
Deputy

JERRY SIMMS, et al.

JOSEPH C DOLAN

v.

VISION BUILDING AND DEVELOPMENT  
INC, et al.

WARREN R BROWN

R COREY HILL  
BARRETT KIERNAN  
KIRK WALLESEN  
7725 E MONTE VISTA RD  
SCOTTSDALE AZ 85257  
CHRISTOPHER WATSON  
1529 E CAMPBELL AVE  
GILBERT AZ 85234  
TODD WILLIS  
7725 E MONTE VISTA RD  
SCOTTSDALE AZ 85257  
RENAE A NACHMAN  
LOGAN VINCENT ELIA  
SCOTT B HUMBLE  
STEPHEN E JACKSON  
KRISTEN JANE DEWITT-LOPEZ  
GABRIELA SALAZAR, ESQ  
501 W BROADWAY STE 1610  
SAN DIEGO CA 92101

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MINUTE ENTRY

The Court has considered Plaintiff's Motion for Clarification/Motion for Reconsideration as well as all responsive memoranda. Plaintiff seeks clarification of diminution in value damages and reconsideration of the Court's decision that plaintiff cannot recover both his cost to repair damages and residual "stigma" damages.

The Court ruled previously that plaintiff is entitled to the lesser of the sum of the cost to repair plus loss of use damages or the diminution in value of the property immediately before and after the injury. The Court is not satisfied that clarification is needed. Instead, plaintiff appears to be asking the Court to change its mind on the damages plaintiff may claim. The Court understood the arguments raised previously by the parties and finds that its prior ruling should stand. Accordingly,

IT IS ORDERED denying plaintiff's Motion for Clarification/Motion for Reconsideration.