

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-001247

01/13/2010

HONORABLE L. GRANT

CLERK OF THE COURT  
T. Soto  
Deputy

SAUNDRA SANDBLOM, et al.

MERRICK B FIRESTONE

v.

BLUE WATER POOL CHEMICAL COMPANY  
INC

REED R JOHNSON

BARBARA B MARONEY  
BLANCA QUINTERO

ORDER ENTERED BY COURT

The issue before the Court is the appropriate measure of damages.

The Defendant suggests that the appropriate measure of damages to this caused repair and restore to the property to its condition prior to the damage. On the other hand, Plaintiff suggests that the measure of damages should be controlled by the permanent injury to the property caused by the mold.

After reviewing the pleadings and the exhibits filed by the parties and considering the arguments of counsel, the Court finds that the appropriate measure of damages in this case is the market value of the property prior to the incident and the diminution of the market value of the property after the incident in question.

The Court finds as a matter of law that the comprehensive loss underwriting exchange clearly establish that there was a diminution in value of this property, notwithstanding the intentions of any willing buyer.

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The Court further finds that there is a genuine issue as to material fact and that the true measure of damages that was caused by the mold damage to this property is tantamount to a permanent injury or property.

**IT IS ORDERED** that Defendant's Motion for Summary Judgment is denied.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>