

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-014142

01/19/2018

HON. ROSA MROZ
FOR HON. TERESA SANDERS

CLERK OF THE COURT
B. Randhawa
Deputy

ARIZONA CORPORATION COMMISSION

WENDY LEE COY

v.

DENSCO INVESTMENT CORPORATION, et al.

RYAN W ANDERSON
CARLOS M ARBOLEDA
MELISSA ROBBINS COUTTS
ELIZABETH S FELLA
SANFORD J GERMAINE
CHRISTOPHER L HERING
YOMTOV SCOTT MENAGED
USM NUMBER 74322408 CAFCC
P O BOX 6300
FLORENCE AZ 85132
STEVEN D NEMECEK
JOSEPH T STEWART
SCOTT A SWINSON
JAMES F POLESE
JUDGE SANDERS

MINUTE ENTRY

East Court Building – Courtroom 414

1:55 p.m. This is the time set for Oral Argument regarding Defendant Chittick Family Trust and Chittick Estates' Petition No. 47: Request to Direct Receiver to Honor Subrogation

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Rights Re: Any Payments Made by Chittick Estate to Brinkman and Hafiz, filed December 8, 2017 and Defendants Brinkman Family Trust and Nihad Hafiz's' response to objection of Receiver's Petition No. 41: Petition to Approve First Interim Distribution to Creditors, filed November 8, 2017. Arizona Corporation Commission is represented by counsel, Wendy Lee Coy. Receiver, Peter S. Davis, is represented by counsel, Ryan W. Anderson. Defendants, Chittick Family Trust and Chittick Estate, are represented by counsel, Jim Polese for Christopher L. Hering. Defendants, Brinkman Family Trust and Nihad Hafiz are represented by counsel, Scott A. Swinson.

A record of the proceedings is made digitally in lieu of a court reporter.

Argument is presented.

For the reasons as stated on the record,

IT IS ORDERED affirming the previous orders of the Honorable Judge Sanders' with respect to Receiver's Petition No. 41: Petition to Approve First Interim Distribution to Creditors, filed November 8, 2017. Any monies that would have been distributed to Brinkman Family Trust and Hafiz shall be withheld until their claims in the probate case are resolved.

IT IS FURTHER ORDERED holding in abeyance Petition No. 47 Request to Direct Receiver to Honor Subrogation Rights Re: Any Payments Made by Chittick Estate to Brinkman and Hafiz filed December 8, 2017, until Probate Court has decided Chittick Estate's Motion for Summary Judgment.

If Probate Court grants the Motion for Summary Judgment, then the issue of subrogation becomes moot. If Probate Court denies the Motion for Summary Judgment, then this Court may further hold in abeyance the ruling on Petition No. 47 until Probate Court decides whether (1) Brinkman Family Trust and Hafiz proved their claims, and (2) if the claims are proved, whether the Chittick Estate has any money to pay on the claims for Brinkman Family Trust and Hafiz to execute on the claims. At that point is when the issue of subrogation becomes ripe for this Court to decide.

The Court requests that the parties advise this Court once a ruling has been made in Probate Court.

2:54 p.m. Matter concludes.