

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2019-011499

11/02/2020

HON. PAMELA GATES

CLERK OF THE COURT
S. Ortega
Deputy

PETER S DAVIS

COLIN F CAMPBELL

v.

U S BANK N A, et al.

AMANDA Z WEAVER

NICOLE GOODWIN
JUDGE DANIEL MARTIN
JUDGE GATES

MINUTE ENTRY

The court considered Plaintiff's Motion to Disqualify Snell & Wilmer as counsel for U.S. Bank in the above-referenced case. The court heard argument on the Motion and ordered the *in camera* review of a declaration by Plaintiff and any documents or material Plaintiff deemed relevant to the court's analysis.

After considering the argument of the parties, the pleadings, and the material reviewed *in camera*,

IT IS ORDERED denying Plaintiff's Motion to Disqualify Snell & Wilmer as counsel for U.S. Bank in the above-referenced case.

When ruling on the Motion to Disqualify, the court considered the following factors: 1) whether the motion was being made for the purposes of harassing the opposing party; 2) whether the party bringing the motion will be damaged in some way if the motion is not granted; 3) whether there are any alternative solutions or is the proposed solution the least damaging possible under the circumstances; and 4) whether the possibility of public suspicion will outweigh any benefit

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2019-011499

11/02/2020

that might accrue due to continued representation. *See Burch & Cracchiolo*, 237 Ariz. at 377 ¶ 28. Plaintiff has the burden of proof. *See id.* at 378-9; *Simms v. Rayes*, 234 Ariz. 47, 50 ¶8 (App. 2014)(citation omitted); *Amparano v. ASARCO, Inc.*, 208 Ariz. 370, 377 ¶24 (App. 2004).

After reviewing the documents submitted by Plaintiff and reflecting upon the arguments and the issues in the underlying litigation, the court finds that the representation of U.S. Bank in the above-captioned case is not substantially related to the work performed by Snell & Wilmer in *Arizona Corporation Commission v. Densco Investment Corporation* (Case No. CV2016-014142). Thus, the court finds that denial of the motion will not likely damage Plaintiff. Further, the court finds the continued representation of U.S. Bank by Snell and Wilmer outweighs the risk of any possible suspicion of impropriety.