

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-050624

04/07/2011

HONORABLE LINDA H. MILES

CLERK OF THE COURT
L. Crawford
Deputy

REBECCA BEASLEY, et al.

JOHN C DOYLE

v.

JOHN C STUART

ROBERT K LEWIS

MINUTE ENTRY

Courtroom 106 – NE

9:01 a.m. This is the time set for Oral Argument regarding Plaintiff's Motion for Partial Summary Judgment Re: Defendant's Negligent Infliction of Emotional Distress. Present on behalf of Plaintiffs Rebecca Beasley, Orville Thomas and Anna Elizabeth Beasley is counsel, John C. Doyle. Defendant John C. Stuart is present and represented by counsel, Robert K. Lewis.

A recording of this proceeding is being made by audio and/or videotape in lieu of a court reporter.

In preparation for oral argument, the Court reviewed the following:

1. Plaintiff's Motion for Partial Summary Judgment Re: Defendant's Negligent Infliction of Emotional Distress, filed October 8, 2010;

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-050624

04/07/2011

2. Plaintiff's Separate Statement of Facts in Support of Motion for Partial Summary Judgment Re: Defendant's Negligent Infliction of Emotional Distress, filed October 8, 2010;
3. Defendant Stuart's Response to Plaintiffs' Motion for Partial Summary Judgment Re: Negligent Infliction of Emotional Distress, filed December 23, 2010;
4. Defendant Stuart's Separate Statement of Facts, filed December 23, 2010;
5. Plaintiff's Reply in Support of Her Motion for Partial Summary Judgment Re: Defendant's Negligent Infliction of Emotional Distress, filed January 27, 2011;
6. Plaintiff's Separate Statement of Facts in Support of Her Reply in Support of Her Motion for Partial Summary Judgment Re: Defendant's Negligent Infliction of Emotional Distress, filed January 27, 2011;
7. Plaintiff's Motion to Partially Strike Joe Collier's Affidavit, filed January 27, 2011;
8. Defendant's Opposition to Motion to Strike Affidavit of Joe Collier and Motion for Sanctions, filed February 15, 2011;
9. Plaintiff's Reply in Support of Motion to Partially Strike Joe Collier's Affidavit, filed February 22, 2011; and
10. Plaintiff's Notice of Errata of Plaintiff's Motion to Partially Strike Joe Collier's Affidavit, filed January 28, 2011.

Although the Court did not set Plaintiff's Motion to Partially Strike Joe Collier's Affidavit for oral argument today, counsel may argue that Motion if they wish.

Arguments are heard.

IT IS ORDERED taking this matter under advisement.

The Court is advised that discovery is nearly completed. Some expert depositions remain to be taken.

IT IS ORDERED confirming the telephonic Status Conference set on **September 7, 2011 at 8:30 a.m.** (time allotted: 15 minutes). If discovery and private mediation are completed

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-050624

04/07/2011

early, counsel may jointly contact the Court's Judicial Assistant to request an earlier date for the telephonic status conference.

Counsel confirm that the criminal trial is scheduled to go forward on April 20, 2011.

9:30 a.m. Matter concludes.

LATER:

The Court has re-reviewed the above referenced Motions, Responses and Replies and finds that genuine issues of material fact exist as to the circumstances surrounding the shooting. Accordingly,

IT IS ORDERED denying Plaintiff Rebecca Beasley's Motion for Partial Summary Judgment Re: Defendant's Negligent Infliction of Emotional Distress.

IT IS FURTHER ORDERED denying Plaintiff's Motion to Partially Strike Joe Collier's Affidavit. The Motion is denied for the reason that the Court need not consider at this time whether Mr. Collier's testimony regarding the effect of alcohol on Mr. Beasley is admissible because even without such testimony, there are genuine issues of material fact, which preclude partial summary judgment in Plaintiff's favor on the negligent infliction claim.

IT IS FURTHER ORDERED denying Defendant's Motion for Sanctions.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-050624

04/07/2011