

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-094605

04/10/2015

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

GILBERT LOPEZ, et al.

SAMUEL J DONCASTER

v.

CONESTOGA MERCHANTS INC, et al.

JENNIFER L ALLEN

CRAIG A MORGAN
CHRISTOPHER B INGLE

MINUTE ENTRY

Courtroom 207 – SEA

11:07 a.m. This is the time set for Oral Argument re: Plaintiffs' Motion to Compel Deposition Testimony and for Sanctions and Defendants' Motion for Summary Judgment. Counsel, Samuel J. Doncaster, is present on behalf of Plaintiffs. Counsel, Jennifer L. Allen and Craig A. Morgan, are present on behalf of Defendants (Defendants, Donald Sorchych and Linda Bentley, are also present).

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

The Court has received Defendants' Motion for Leave to Use Video-Recording of Linda Bentley Deposition During Oral Argument filed on March 25, 2015 and Plaintiffs' Response thereto.

IT IS ORDERED that Defendants' Motion for Leave to Use Video-Recording of Linda Bentley Deposition During Oral Argument is denied without prejudice subject to its use at future hearings in this matter.

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Oral argument is held.

Based on the arguments of counsel and the reasons expressed on the record,

THE COURT FINDS that Plaintiff was a public figure for purposes of this Motion. Given the evidence presented, the inferences Plaintiffs are requesting are speculative, are not supported by the record, and therefore are unreasonable. Notwithstanding the hyperbole, the statements published by the Defendants in this case are substantially similar to what Plaintiff stated on the record at the town council meeting. In light of the evidence presented, the Court does not find that Plaintiffs can sustain the defamation cause of action. For these reasons,

IT IS ORDERED granting Defendants' Motion for Summary Judgment.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Leave to File and Serve Amended Complaint is deemed moot.

The Court declines to enter a ruling on whether or not Plaintiffs continue to have a cause of action against the former town manager.

IT IS ORDERED that Plaintiffs' Motion to Compel Deposition Testimony and for Sanctions is also deemed moot.

IT IS ORDERED affirming the Court's denial of Defendants' Motion for Leave to Use Video-Recording of Linda Bentley Deposition During Oral Argument.

IT IS ORDERED that Plaintiffs' Motion to Extend Deadline for Deposition of Ian Ellison is deemed moot.

IT IS ORDERED directing counsel for Defendant s to submit a final form of Order, including Rule 54(c) language, along with a verified Statement of Costs on or before **May 4, 2015**.

12:08 p.m. Matter concludes.