

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. CHARLES V. HARRINGTON

CASE NO. C20106206

COURT REPORTER: Debora Moore
Courtroom - 678

DATE: February 08, 2013

SYCAMORE VISTA NO 2 HOMEOWNER'S
ASSOCIATION, INC and
SYCAMORE VISTA 5 HOMEOWNERS
ASSOCIATION INC
Plaintiffs

Joseph D. Chimienti, Esq. and Stephen Thomas
Portell, Esq.
counsel for Plaintiffs

VS.

PATTISON EVANOFF ENGINEERING LLC and
INNOVA CONTRUCTION LLC
Defendants

Suzanne L. Brei, Esq.
counsel for Defendant Pattison Evanoff
Engineering LLC

MINUTE ENTRY

SETTLEMENT CONFERENCE

Plaintiffs are represented by counsel. Jim Evanoff is present, representing Defendant Pattison Evanoff Engineering LLC.

The Court informs counsel and the Defendant as to the Court's procedure when conducting Settlement Conferences.

On stipulation of the parties,

THE COURT FINDS that it is appropriate to conduct *ex parte* communications.

IT IS ORDERED that, except as provided by statute or rule, all *ex parte* communications are confidential and private.

Settlement negotiations proceed off the record.

*****LATER SAME DATE*****

The Court having conferred with the parties separately, the Court notes that the parties have reached a settlement agreement.

Nickolas Olm
Deputy Clerk

MINUTE ENTRY

The parties agree as follows:

1. The Defendants will pay \$50,000.00 to the Plaintiffs and that check or draft will be delivered no later than three weeks from today.
2. Ms. Brei will prepare the first draft, and perhaps the final draft, of mutual releases which shall be provided to Mr. Portell within one week from today's date.
3. The release will contain mutual releases, mutual confidentiality provisions and will also require that Western Associates Development be one of the parties to the release, and the Court understands that Mr. Portell has an assignment which permits him to do that.
4. If there is a dispute as to the terminology of the release, as to what the settlement is or enforcement of the settlement, etc., both parties have agreed to bring the matter back to this Court to present argument if the Court requests so. This Court will then decide the issues and that decision will be binding and non-appealable.
5. Ms. Brei shall prepare the stipulation and order to dismiss and submit same either to the assigned division or to this Court.

Upon inquiry by the Court, Mr. Portell, Ms. Brei and Mr. Evanoff indicate that they agree to the terms of the settlement as set forth on the record this date.

cc: Hon. Kenneth Lee
Joseph D. Chimienti, Esq.
Stephen Thomas Portell, Esq.
Suzanne L. Brei, Esq.

Nickolas Olm
Deputy Clerk