

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-016329

08/15/2008

HON. THOMAS DUNEVANT, III

CLERK OF THE COURT
L. Nixon
Deputy

JOHN GILDING

MICHAEL W PEARSON

v.

JOHN S CARR, et al.

DAVID N FARREN

ALAN N ARIAV
MICHAEL J KEENAN

MINUTE ENTRY

The Court has considered Plaintiff's Motion To Strike Defendant Robert Marks' Notice Of Non-Party At Fault.

Rule 26(b)(5) reads in relevant part, "Any party who alleges, pursuant to A.R.S. § 12-2506(B) (as amended), that a person or entity not a party to the action was wholly or partially at fault in causing any personal injury, property damage or wrongful death for which damages are sought in the action shall provide the identity, location, and the facts supporting the claimed liability of such nonparty." Defendant's Notice is not deficient on its face. It specifies the identity and location of the nonparties allegedly at fault and the facts on which Defendant claims they are liable. Whether those facts indeed support the liability of the nonparties – and the Court frankly fails to discern their relevance to the only claim in the case at present, that Plaintiff was defamed by Defendants' false accusations – is a different matter which is not presently raised.

Therefore, IT IS ORDERED denying Plaintiff's Motion To Strike Defendant Robert Marks' Notice of Non-Party.