

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-051351

10/28/2009

HONORABLE EDDWARD BALLINGER, JR.

CLERK OF THE COURT
R. Tomlinson
Deputy

JAMES THIELE

RICHARD AARON DRAKE

v.

PHOENIX CITY, et al.

COURTNEY R CLOMAN

MINUTE ENTRY

8:50 a.m. This is the time set for Oral Argument regarding Defendants' motion for summary judgment. Present on behalf of the Plaintiff is counsel, Richard Drake. Present on behalf of Defendants City of Phoenix and Simmons are counsel, Courtney Cloman and Pamela Hostallero.

Court reporter, Kim Hannan, is present as well as a record of the proceedings being made by audio and/or videotape.

Plaintiff's counsel avows to the Court that his client is unable to post a bond in any amount.

The Court finds in light of the fact the Plaintiff has avowed that no bond will be posted, the Court must enforce A.R.C.P. 67(d). Therefore,

IT IS ORDERED dismissing this case without prejudice and deeming all pending motions moot.

/ s / EDDWARD P. BALLINGER, JR.

JUDICIAL OFFICER OF THE SUPERIOR COURT