

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-003924

11/13/2006

HON. PAUL A KATZ

CLERK OF THE COURT
T. Ross/W. Bobrowski
Deputy

RENAISSANCE AIRCRAFT L L C

TODD A BURGESS

v.

P DOUGLAS COMBS, et al.

P DOUGLAS COMBS
15815 E MELROSE ST
GILBERT AZ 85296

LAURIE A EDER
15815 E MELROSE ST
GILBERT AZ 85296
ERIC C ROWE - PRO HAC VICE
800 CONNECTICUT AVE NW
SUITE 500
WASHINGTON DC 20006

UNDER ADVISEMENT RULING

The Court having taken (1) Plaintiff's Motion for Summary Judgment with Respect to Liability of the Marital Community between Defendants Combs and Eder Regarding Damages Awarded to Plaintiff under Count 2 of the Complaint, and (2) Laurie A. Eder's Motion to Dismiss for Lack of Prosecution Pursuant to Rule 41 under advisement; having reviewed the memoranda of the parties and legal authorities cited therein; and good cause appearing,

IT IS ORDERED granting Plaintiff's Motion for Summary Judgment regarding the liability of the marital community.

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The Defendants have not presented any evidence negating Plaintiff's assertion that the community expected to receive a benefit from the foundation. Even if the community did not contribute to the daily operations of the foundation, Plaintiff asserts that the marital community is liable because the tort was done in furtherance of an enterprise in which the community has a financial interest. If the foundation defaulted on loans made to it by the Defendants, the Defendants would take possession of all of the foundation's assets. Defendants have presented no evidence to negate these assertions.