

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 1

ETHEL BOUTON, Clerk of the Superior Court

HON. RICHARD ANDERSON, Judge

By: Susan Lynn Collins, Deputy Clerk

CASE NO.: 4772

DATE: August 3, 1990

TITLE:	:	COUNSEL:
	:	
	:	
GEORGE W. HANCE et al.,	:	
	:	
Plaintiff(s),	:	
	:	
vs.	:	
	:	
WALES ARNOLD et ux., et al.	:	
In the Matter of:	:	
THE VERDE DITCH COMPANY,	:	
	:	
Defendant(s).	:	

HEARING ON: Petition Forwarding Request
for Documents by Lane D. Oden

REPORTER: David W. Lundy

Hearing on the Petition filed by Richard Mabery forwarding a request for documents by Lane D. Oden having been set and the same coming on regularly before the Court, the Commissioners of the Verde Ditch Company appear by and through their counsel, Richard Mabery; attorney Lane D. Oden appears telephonically for and on behalf of the First Amendment Coalition of Arizona, Inc., and the Journal and its owner, Manny Maniaci. David W. Lundy reports the proceeding.

The Court inquires of Mr. Oden the purpose of his request, said counsel replying it is the position of his clients that the Verde Ditch Company is a "public body" and that meetings, therefore, would be subject to the "open meeting" laws.

The Court and counsel discuss whether open-meeting laws may apply to the Verde Ditch Company. The Court and counsel for the Commissioners agree that issue needs to be resolved. Mr. Oden suggests that perhaps an opinion of the Attorney General could be requested.

Re: Hance v. Arnold, No. 4772
Hearing on: Petition Forwarding Request for Documents

August 6, 1990

The Court states, based upon his recollection of the tape recording he heard, that he cannot foresee that turning over the particular materials requested would present a problem. In that regard IT IS ORDERED that counsel for the Commissioners shall obtain a copy of the minutes, if any, of the June 14, 1990, Commissioners' executive session in question and a copy of the tape recording thereof and deliver them to the Court; the Court will review the materials in camera to determine whether it might be appropriate to deal with this matter on an ad hoc basis and furnish the requested materials to Mr. Oden. Counsel will be advised of the Court's determination by minute entry.

The Court states the Court will do some independent research and then make a determination as to whether an opinion of the Attorney general would be appropriate.

Hearing concludes at 4:10, P.M.

cc: Lane D. Oden, Esq.
L. Richard Mabery