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7 Attorney for Respondent
8 JAMES F. MILLER



9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SAN DIEGO

11 CACV of Colorado, LLC,

12 Petitioner,

13 v.

14 James F. Miller,

15 Respondent.

Case No.: IC 845316

~~PROPOSED~~ ORDER DENYING CACV
OF COLORADO, LLC'S PETITION TO
CONFIRM ARBITRATION AWARD

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18 This matter came on regularly for hearing on July 12, 2005 at 10:30 a.m. before
19 Hon. Francis M. Devaney, Judge Presiding, in Department 25 of the above-entitled court,
20 with appearances by counsel as follows: Adam Van Susteren appeared for petitioner
21 CACV of Colorado, LLC and Paul E. Smith appeared for respondent James F. Miller.

22 This matter having been fully argued and considered and proof being made to the
23 satisfaction of the court, IT IS HEREBY ORDERED THAT the petition by petitioner
24 CACV of Colorado, LLC for confirmation of an arbitration award is hereby DENIED
25 without prejudice. CACV of Colorado, LLC has failed to present sufficient, admissible
26 evidence that respondent James F. Miller was adequately served with notice of the
27 arbitration proceedings after a stay had been entered by National Arbitration Forum.
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To the extent that respondent James F. Miller attempts to set forth a petition to vacate as part of his response to CACV of Colorado, LLC's petition to confirm, that petition to vacate is DENIED without prejudice.

IT IS SO ORDERED.

Dated: July 27, 2005

Francis M. Devaney

HON. FRANCIS M. DEVANEY

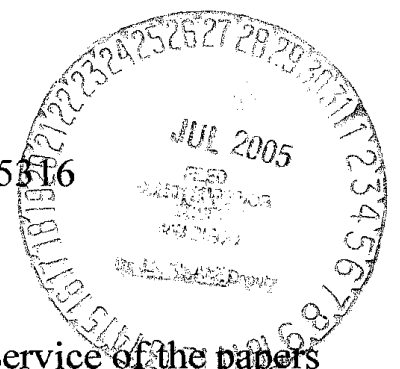
Respectfully submitted:

Dated: July 13, 2005

LAW OFFICES OF PAUL E. SMITH

By: Paul E. Smith
PAUL E. SMITH
Attorney for Respondent
JAMES F. MILLER

1 CACV of Colorado LLC v. James F. Miller
2 Superior Court of California, County of San Diego, Case No. IC 845316



3 **PROOF OF SERVICE BY MAIL**

4 I, the undersigned, declare that I am, and was at the time of service of the papers
5 herein referred to, over the age of 18 years and not a party to the within action or
6 proceeding. My business address is Law Offices of Paul E. Smith, 16870 West Bernardo
7 Drive, Suite 400, San Diego, California 92127, which is located in the county in which
8 the within-mentioned mailing occurred. I am readily familiar with the practice at my
9 place of business for collection and processing of correspondence for mailing with the
10 United States Postal Service. Such correspondence will be deposited with the United
11 States Postal Service on the same day in the ordinary course of business.

12 On July 13, 2005, I served the following document:


13 [PROPOSED] ORDER DENYING CACV OF COLORADO, LLC'S PETITION TO
14 CONFIRM ARBITRATION AWARD

15 by placing a true copy in a separate envelope for each addressee named below, with the
16 name and address of the persons served shown on the envelope as follows:

17 Deborah Harvego
18 Neuheisel Law Firm, P.C.
19 2233 Watt Avenue, Suite 245
20 Sacramento, California 95825

21 and by sealing the envelope and placing it in the appropriate location at my place of
22 business for collection and mailing with postage fully prepaid in accordance with
23 ordinary business practices.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct. Executed on July 13, 2005, at San Diego, California.

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PAUL E. SMITH