

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-015126

01/25/2006

HONORABLE ROBERT E. MILES

CLERK OF THE COURT
T. Melius
Deputy

FILED: 02/01/2006

EAGLE MOUNTAIN COMMUNITY
ASSOCIATION

WILLIAM F SHORE III

v.

EAGLE MOUNTAIN INVESTORS L L C

WILLIAM A NEBEKER

LEONARD M BELL
ROGER E BRODMAN
DAVID J CANTELME
WILLIAM H DOYLE
ANDREW M FEDERHAR
DENISE J HENSLEE
CHRISTOPHER D HOSSACK
CRAIG L KELLER
MITCHELL J RESNICK
DEAN C ROBERTSON
G MICHAEL TRYON
MEREDITH L VIVONA
ROBERT H WILLIS
THOMAS A WALCOTT
MARCUS D TAPPE

MINUTE ENTRY

1:30 p.m. This is the time set for Oral Argument on several motions in this matter. Plaintiff is represented by counsel, William F. Shore. Defendants are represented by counsel, William A. Nebeker, Thomas A. alcott, Marcus D. Tappe and Roger E. Broadman.

Court reporter, Scott Kindle, is present.

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Arguments are presented to the Court on Construction Inspection & Testing's Motion for Summary Judgment.

IT IS ORDERED granting Construction Inspection & Testing's Motion for Summary Judgment for the reasons stated on the record.

Arguments are presented to the Court on Eagle Mountain Investors LLC's (EMI) Motion for Summary Judgment regarding standing issues.

IT IS FURTHER ORDERED taking EMI's Motion for Summary Judgment regarding standing issues under advisement upon the submission of additional memoranda as stated on the record. Plaintiff shall submit its memorandum before 5:00 p.m. on **January 27, 2006**. Defendant shall submit its memorandum before 5:00 p.m. on **January 30, 2006**.

Plaintiff withdraws its Motion to Bifurcate as moot.

Arguments are presented to the Court on Plaintiff's Motion to Strike Eagle Mountain Investors' Expert.

IT IS FURTHER ORDERED taking Plaintiff's Motion to Strike Eagle Mountain Investors' Expert under advisement upon the submission of Defendants' Response to this division. Defendant shall provide a copy of their response to Plaintiff before 5:00 p.m. on **Monday January 30, 2006**. The parties shall advise this Court if there are any remaining issues regarding experts after the review of Defendants' response.

Arguments are presented to the Court on EMI's Motion to Continue Trial.

IT IS FURTHER ORDERED granting Defendant's Motion to Continue Trial, vacating Trial date of March 7, 2006 and resetting same to **July 7, 2006 at 9:30 a.m.** in this division.

IT IS FURTHER ORDERED vacating the Pre-Trial Management Conference set for February 27, 2006 and resetting same to **June 30, 2006 at 9:30 a.m.** in this division.

IT IS FURTHER ORDERED setting deadline of **March 15, 2006** for the parties to complete the depositions as discussed with the Court. The parties are to contact this Court's staff for the setting of an immediate telephonic Status Conference should any further scheduling disputes arise.

Discussions are held regarding settlement conference.

IT IS FURTHER ORDERED referring this case to the court's Alternative Dispute Resolution for the appointment of a judge *pro tempore* to conduct a settlement conference. **Counsel and/or the parties will receive a minute entry from ADR appointing**

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the judge *pro tempore*. Counsel and any "pro per" parties will contact the appointed judge ***pro tempore*** to arrange the date, time and location for the settlement conference. The judge ***pro tempore*** is requested to conduct a settlement conference not later than **April 15, 2006**. **The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office.**

2:58 p.m. Court stands in recess.