

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2001-021556

02/20/2004

HONORABLE ROBERT L. GOTTSFIELD

CLERK OF THE COURT  
M. Johnson  
Deputy

FILED: 02/25/2004

SUNSTATE EQUIPMENT CO LLC

v.

PHASE II CONCEPTS INC, et al.

JOHN A O'NEILL

SCOTT A KLUNDT  
STEPHEN G MONTOYA  
ROBERT J TRAICA

MINUTE ENTRY

2:28 p.m. This is the time of hearing defendant/crossclaimant Phase II's motion to vacate arbitration and dismiss action (on basis plaintiff's claims against Phase I and Phase II were settled and the only matter left is the cross claim of Phase II and Holub against Phase I for indemnity and Phase II agrees to dismiss its cross claim now; also apparently an argument that Phase I is not entitled to any judgment against Phase II as a matter law). The court realizes that plaintiff is now out of the case. Counsel John A. O'Neill is present telephonically on behalf of defendant Phase II. Counsel Steven Feola is present in person on behalf of defendant Phase I.

Court Reporter Lorraine Chalkey is present.

After discussion and the court realizing it does not have a file and no longer has Phase II motion and that it never received a response from Phase I,

IT IS ORDERED continuing the hearing to **March 15, 2004 at 8:15 a.m. (15 min.)**. In the interim Phase II's motion will be given to the court as well as Phase I response and Phase II will file a reply to the response. Mr. Feola will fax a copy of the response to the court and counsel on this coming Monday.

2:35 p.m. Matter concludes.