

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2002-008702

02/04/2005

HONORABLE KENNETH L. FIELDS

CLERK OF THE COURT  
D. Whitford  
Deputy

FILED: 02/08/2005

MONTANA DEL SOL CONDOMINIUM  
ASSOCIATION

JOYCE J KAPSAL

v.

JWE SPRING OAKS LLC, et al.

JILL ANN HERMAN

JACK G BARONE  
STEVEN R BARTELL  
TRIPLE D COUNTER TOPS INC  
ATTN: MR. CURTIS DAWE  
6611 W PEORIA, #5-142  
GLENDALE AZ 85302  
WILLIAM H DOUGLAS  
ANDREW M FEDERHAR  
DOUGLAS H FITCH  
MICHAEL W HERZOG  
BRADLEY R JARDINE  
JASON M KELLY  
JOSEPH A KULA  
DAVID E MCDOWELL  
ANDREW PESHEK  
GARY M SUNDBERG  
DENNIS I WILENCHIK  
ROBERT H WILLIS  
DANIEL E FREDENBERG  
M DUNCAN SCOTT  
LAWRENCE J FELDER

**ORAL ARGUMENT/RESET  
PARTIAL DISMISSALS  
PRETRIAL CONFERENCE SET**

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9:10 a.m. This is the time set for Oral argument on the following:

- Defendant/Third-Party Plaintiff Creekstone Builders, Inc.'s Motion to Strike;
- Defendant/Third-Party Plaintiff Creekstone Builders, Inc.'s Motion for Summary Judgment;
- All other pending Motions for Summary Judgment and any other pending motions.

**Appearances:**

- Plaintiff Montana Del Sol Condominium Association is represented by counsel Joyce Kapsal.
- Defendant JWE Spring Oaks, LLC. is represented by counsel Jill Ann Herman.
- Third-Party Defendant Rock Island Corporation d/b/a Jordan Window & Door. and Ace Masonry Company, Row and Bunch are represented by counsel Douglas H. Fitch, appearing telephonically.
- Third-Party Defendant Hart Plumbing of Arizona and Third-Party Defendant Cohaco Building Specialists, Inc. are represented by counsel Joseph A. Kula.
- Defendant Red Rock Curb, Inc., Third-Party Defendant Michie Concrete and Central Valley Specialities, Inc. are represented by counsel Jack Barone.
- Third-Party Defendant Parra Drywall, Inc. is represented by co-counsel Jason Kelly and Jack Barone.
- Third-Party Defendant Rondo Pools, Inc. is represented by counsel Jason Kelly.
- Third-Party Defendants Noel Corporation Plastering Stucco and Delta Plastering are represented by counsel Daniel E. Fredenberg.
- Defendant Creekstone Builders, Inc. is represented by counsel David E. McDowell.
- Third-Party Catalina Roofing & Supply, Inc. is represented by counsel M. Duncan Scott.
- Third-Party Defendant Hilty's International, Inc. is represented by counsel M. Duncan Scott.

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- Third-Party Defendant United Subcontractors, Inc., d/b/a Mesa Insulation Specialists is represented by counsel M. Duncan Scott.
- Third-Party Defendant Kenro Turner Construction, Inc. is represented by counsel Lawrence Felder.

The proceedings are recorded electronically by CD and videotape in lieu of a court reporter.

The case status is discussed. Counsel are involved in settlement negotiations.

Pursuant to Third-Party Plaintiffs' Motion to Dismiss, there being no opposition,

**IT IS ORDERED** dismissing the following Third-Party Defendants:

- Ace Masonry Company
- Construction 70, Inc.
- Mercer & Mercer Heating and Colling, Inc., dba M&M Heating and Air Conditioning
- Michie Concrete, L.L.C.
- Rick Engineering Company, Inc.
- Rondo Pools, Inc.
- Red Rock Curb, Inc.
- DLH Onsite, Inc., fka D.L.H. On-Site
- Ultra Insulation

**IT IS FURTHER ORDERED** setting **March 4, 2005 at 11:00 a.m.** to hear the following matters:

- **Oral argument** on:
  - Defendant/Third-Party Plaintiff Creekstone Builders, Inc.'s Motion to Strike
  - Defendant/Third-Party Plaintiff Creekstone Builders, Inc.'s Motion for Summary Judgment
  - Third-Party Defendant Rondo Pools Motion for Summary Judgment
  - Motion for Protective Order
  - All other pending Motions for Summary Judgment and any other pending motions.
- **Pretrial Management Conference** (at which time a trial date and final pretrial management conference will be scheduled)

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**Before:**

The Honorable Kenneth Fields  
Maricopa County Superior Court  
East Court Building  
Courtroom 414  
Phoenix, AZ 85003  
PHONE: 602-506-2060

**ALLOTED TIME: 1 Hour**

9:20 a.m. Matter concludes.

**ELECTRONIC ("E") COURTROOM**

A record of the proceedings may be made by videotape in lieu of a court reporter. Should an official transcript be required, you may request that the Court prepare it. The party ordering the transcript must pay for it. With this new technology, a court reporter is likely not required and the parties are encouraged to experience the Court's video-recording system before requesting a court reporter.

**If a court reporter is required, a written request must be received by the Court at least 48 hours before the hearing.**

**NOTICE**

**New Fee for Copies of Electronically Recorded Proceedings**

Effective Monday, January 27, 2003, a fee of \$20.00 will be charged for each copy of superior court proceedings digitally recorded and provided on compact Disc (CD) and for each copy of a superior court proceeding provided on videotape. The fee is due when the CD or videotape is picked up. Cash and in-state checks will be accepted for payment. Please make checks payable to: Clerk of the Superior Court.

Blank, unused CDs and videotapes will not be accepted in lieu of payment.

Beginning Monday, January 27, 2003, the pick up location for CD or videotape copies of superior court proceedings recorded in downtown Phoenix will be the court's Self Service Center located in the Law Library on the first floor of the East Court Building. Fees will be collected at the Self Service Center. Copies of superior court proceedings recorded at the court's Southeast Facility in Mesa and at the court's Northwest Facility in Surprise may be picked up, and fees paid, at the Self Service Centers at those locations.

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Questions may be directed to Ken Crenshaw, Administrator, Electronic Records Services, 602-506-7100 or [kcrensa@superiorcourt.maricopa.gov](mailto:kcrensa@superiorcourt.maricopa.gov)

Request for Daily Copy of Electronically Recorded Proceedings

Obtain a form from the courtroom clerk or from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee at the Self Service Center. Attach the receipt showing payment of fee and present both the receipt and the form to the courtroom clerk or bailiff. For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.