

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-007263

01/30/2015

HON. RANDALL H. WARNER

CLERK OF THE COURT
K. Ballard
Deputy

JEFFREY SALLUS, et al.

JAMES ROBERT ECKLEY

v.

SUNRISE DESERT VISTAS PROPERTY
OWNERS ASSOCIATION INC, et al.

GUY W BLUFF

LARRY D LANGLEY

SCHEDULING CONFERENCE SET

Courtroom: ECB-512

9:02 a.m. This is the time set for status/scheduling conference. Plaintiffs are represented (telephonically) by Counsel John Harris (appearing in place of J. Robert Eckley). Defendants are represented (telephonically) by Counsel Jill L. Ormond (appearing in place of Larry D. Langley). Defendant Sunrise Desert Vistas Property Owners Associations, Inc. is also represented (telephonically) by Counsel Guy W. Bluff.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The court has reviewed the parties' January 26, 2015 Joint Status Report.

The court addresses counsel regarding the motions set for oral argument on February 27, 2015. Plaintiffs' counsel advises the court that he has a conflict on that date and requests that the oral argument be reset.

IT IS ORDERED vacating the February 27, 2015 oral argument regarding (1) Defendants' December 3, 2014 Motion to Strike Plaintiff's [sic] Untimely and Prejudicial Expert

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Disclosure; (2) Plaintiffs' December 19, 2014 Motion to Exclude Standard of Care Type Expert Testimony and (3) Defendants' December 23, 2014 Motion to Dismiss Plaintiffs' Amended Complaint and resetting same for February 11, 2015 at 10:00 a.m. in this division.

Discussion is held regarding Plaintiffs' January 28, 2015 Motion to Defer Response to Defendants' Motion for Summary Judgment Pursuant to Rule 56(f).

IT IS ORDERED granting the Rule 56(f) request and extending the deadline for Plaintiffs to respond to Defendants' January 16, 2015 Motion for Summary Judgment to **April 1, 2015**. It is the court's expectation that the depositions will be completed by that date. If the depositions are not completed, counsel should confer in an attempt to extend the response deadline and so advise the court. If counsel cannot reach an agreement, counsel should contact the court.

If, in review after the depositions, Defendants believe they should have a chance to refile or supplement the summary judgment motion, the court will allow Defendants to do so. Accordingly, counsel should confer in an attempt to set a deadline for that, if necessary.

Based on the current status of the case, the court will not set a trial date today.

IT IS ORDERED setting a **telephonic** scheduling conference on **April 21, 2015 at 9:00 a.m.** (time allotted: **15 minutes**) in this division for the purpose of setting trial, if the case is ready to set trial. Plaintiffs' counsel shall initiate the conference call to this division at **602-372-2966**. All persons appearing shall appear on land lines and not on cellular phones, and shall not use the speakerphone features of their telephones, in order to maximize all participants' ability to hear and be heard. Counsel shall have their calendars available for this proceeding.

IT IS FURTHER ORDERED that, no less than **five days** before the conference set above, the parties shall file a joint status report containing (1) a very brief description of the case; (2) a statement of the status of discovery and other pertinent matters; (3) a list of pending motions or other matters, whether at issue or not; (4) the status of alternative dispute resolution; (5) when the parties anticipate the case will be ready for trial; and (6) how many trial days the parties estimate will be needed.

9:14 a.m. Matter concludes.

Later:

By agreement of the parties, due to scheduling conflicts,

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IT IS ORDERED vacating the February 11, 2015 oral argument regarding (1) Defendants' December 3, 2014 Motion to Strike Plaintiff's [sic] Untimely and Prejudicial Expert Disclosure; (2) Plaintiffs' December 19, 2014 Motion to Exclude Standard of Care Type Expert Testimony and (3) Defendants' December 23, 2014 Motion to Dismiss Plaintiffs' Amended Complaint and resetting same for **February 24, 2015 at 8:30 a.m.** in this division. Counsel and the parties, if representing themselves, are to **appear in person** before:

**The Honorable Randall H. Warner
Maricopa County Superior Court
East Court Building
101 W. Jefferson
5th Floor, Courtroom 512
Phoenix, AZ 85003
Phone: 602-372-2966
Fax: 602-372-8746**

Oral argument shall be limited to **one (1) hour** with the time divided equally between the sides.

NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division (602-372-2966) three (3) court business days before the scheduled hearing.