

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-090103

02/26/2016

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

TAPESTRY ON CENTRAL L L C, et al.

RYAN J LORENZ

v.

TAPESTRY ON CENTRAL CONDOMINIUM
ASSOCIATION, et al.

KEVIN P NELSON

MICHAEL J ROGERS
KERRY A HODGES
TERESA H FOSTER
DOCKET-CIVIL-SE

MINUTE ENTRY

Courtroom 207 – SEA

1:33 p.m. This is the time set for Telephonic Status Conference and Oral Argument re: Non-Party Joanne Carras' Motion to Quash Subpoena and Motion for Protective Order. Counsel, Ryan J. Lorenz, is present on behalf of Plaintiff. Counsel, Kevin P. Nelson, is present on behalf of Defendants. Counsel, Kerry A. Hodges, appears telephonically on behalf of Non-Party Cynthia Futter. Counsel, Teresa H. Foster, appears telephonically on behalf of Non-Party Joanne Carras

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

The Court has reviewed the case file and the pleadings filed by the parties. Based on that review, consistent with the July 1, 2015 minute entry issued by Judge Oberbillig,

IT IS ORDERED dismissing Plaintiff's complaint as to Defendants Dennis and Catherine Kolodin only.

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THE COURT FINDS that Plaintiff's Motion (filed December 29, 2015) requesting a stay pending the hiring of new counsel is moot.

The Court has received Tapestry on Central Condominium Association's Motion for Partial Summary Judgment Regarding the Eleventh Claim for Relief (Alleged Violation of A.R.S. §33-420), Motion for Partial Summary Judgment Regarding the Second, Fourth, Fifth, and Seventh Claims for Relief in the Second Amended Complaint, and Defendants/Counterclaimants' Motion for Summary Judgment Regarding the Tenth Claim for Relief in the Second Amended Complaint (Tortious Interference with Business Expectancy), which were filed on February 18, 2016. The response period has not yet passed.

IT IS ORDERED that Defendants are not to file any further Motions for Summary Judgment without authorization by the Court.

IT IS FURTHER ORDERED setting Oral Argument re: Defendants' Motions for Summary Judgment on **May 6, 2016 at 2:00 p.m. (1 hour allotted)** before:

HONORABLE DAVID TALAMANTE
SOUTHEAST COURTHOUSE
222 EAST JAVELINA
COURTROOM 207
MESA AZ 85210

IT IS FURTHER ORDERED:

If extended oral argument is necessary, counsel must so advise the Court no later than four (4) court days prior to the date set for hearing so that oral argument can be rescheduled.

Any motion or stipulation for continuance must be filed with the Court no later than four (4) court days prior to the date set for hearing. After that date, no continuances will be granted except for extraordinary circumstances.

Counsel are advised that if the answering memorandum is not timely filed in accordance with the Arizona Rules of Civil Procedure, oral argument may be vacated and the motion will be ruled upon in accordance with Rule 7.1(b), A.R.C.P.

NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30,

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the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

The Court notes Defendants' Motion to Compel and Request for Sanctions, or in the Alternative, Motion in Limine Regarding the Deposition of Plaintiff's Testifying Expert Eric Alden, Defendants' Motion to Compel Plaintiff's Production of Emails and Other Documents in its Possession, Custody, or Control (both filed January 14, 2016) along with the Notice of Association Defendants' Efforts to Comply with Court's Minute Entry Filed January 20, 2016.

LET THE RECORD REFLECT the Court will review Defendants' Motions to Compel along with the Responses and Replies and will determine if further oral argument is necessary.

The Court has received and reviewed Plaintiff's Motion to Modify Pretrial Deadlines filed on January 14, 2016 along with the Response and Reply. The Motion is granted as follows,

IT IS ORDERED directing counsel for the parties to meet and confer regarding a limited reopening of discovery for purposes of expert depositions and dealing with the outstanding discovery requests for the documents of the non-parties, the pending Motions to Compel, and the pending Motions to Quash. Counsel are to submit a revised Scheduling Order to the Court on or before **March 28, 2016**.

LET THE RECORD REFLECT the Court will not rule on the unresolved Motions cited in this minute entry pending receipt of the revised Scheduling Order.

2:08 p.m. Matter concludes.