

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-024457

04/07/2004

THE HONORABLE MICHAEL A. YARNELL

CLERK OF THE COURT
M. L. Smith
Deputy

FILED: 04/09/2004

FIREROCK RESORT CASITAS
CONDOMINIUMS HOMEOWNERS
ASSOCIATION

MICHAEL D DICKS

v.

MIRAGE HOMES L L C, et al.

JILL ANN HERMAN

WILLIAM H DOYLE
DARRIEN O SHUQUEM
STEVEN R JANSSEN
WILLIAM R METTLER JR.
LEE P BLAKE

MINUTE ENTRY

8:30 a.m. In Chambers.

Time set for comprehensive pretrial conference. Counsel, Darrien O. Shuquem and Steven R. Janssen, are present for Michael D. Dicks who represents Plaintiff. Counsel, William R. Mettler, Jr. is present for William H. Doyle who represents Defendants. Counsel, Lee P. Blake, is present for Jill Ann Herman who represents Defendants.

Court Reporter is not present.

The background and nature of this construction defect case filed December 23, 2003 is discussed.

The case involves an 80+ unit condominium project built and developed by the Mirage Homes Defendants in the late 1990's timeframe. The project is sold out, with individual owners of the various units. The Condominium Association Plaintiff alleges various construction defects and seeks cost of repair.

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Plaintiff and Defendants have each identified their initial construction defect expert. Site inspection and initial destructive testing is scheduled. Initial Rule 26.1 Disclosure Statements have been exchanged and the parties contemplate establishing a document depository. Defendants intend to add down-chain contractors and suppliers to the case by way of third-party complaint. Plaintiff estimates a claim in the range of several million dollars. The parties expect to involve a private mediator.

Good cause appearing, without objection,

IT IS ORDERED approving and entering the parties' stipulated Scheduling Order, signed and filed herewith.

FURTHER ORDERED granting leave to Defendants to file, and Defendants shall and must file, their Third Party Complaint naming subcontractors/suppliers on or before **5:00 p.m., May 15, 2004.**

FURTHER ORDERED setting a comprehensive pretrial conference at **9:30 a.m., July 19, 2004.** At that conference it is likely the court will establish an outside date after which no additional parties may be added to this action.

FURTHER ORDERED as follows:

1. The provisions of Rule 38.1, Rules Of Civil Procedure, are waived and suspended for this case.
2. Trial experts must be seasonable disclosed prior to this date upon a party's formation of an "expectation" that they will be called as an expert to testify at trial. Rule 26.1(6).
3. All professional literature relied upon by any trial expert shall be disclosed at least five (5) days prior to that expert's deposition.
4. The presumptive Four (4) hour time limit for all depositions shall apply unless otherwise agreed by counsel as to a particular deposition or ordered by the court.

FURTHER ORDERED placing this matter on the inactive calendar until **August 19, 2004.**