

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-019613

07/23/2009

HONORABLE EILEEN S. WILLETT

CLERK OF THE COURT
J. Rutledge
Deputy

MIRAGE CROSSING RESORT CASITAS
HOMEOWNERS ASSOCIATION INC

JOHN E CHAIX

v.

MIRAGE HOMES CONSTRUCTION INC, et al.

LOUIS W HOROWITZ

JACK G BARONE
DANIEL A BEATTY
JASON J BLISS
ADAM B CAMPBELL
WILLIAM H DOYLE
DOUGLAS H FITCH
MICHAEL J FRAZELLE
MICHAEL L GREEN
JAMES K KLOSS
LARRY D LANGLEY
MELISSA LIN
ANDREW R PESHEK
MITCHELL J RESNICK
RICHARD L RIGHI
JAN-GEORG ROESCH
DON D SKYPECK
DOCKET-CIVIL-CCC

PRETRIAL MANAGEMENT CONFERENCE

Courtroom CCB-401

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1:40 p.m. This is the time set for a Pre-Trial Management Conference.

- Plaintiff Mirage Crossing Resort is represented by counsel Kenneth W. McCain;
- Defendant/Third-Party Plaintiffs Mirage Homes, LLC, and Mirage Homes Construction, Inc., are represented by counsel Bruce W. Lorber, Jill Ann Herman, Louis W. Horowitz, and Teresa H. Wales;
- Third-Party Defendant Century Roofing, Inc. is represented by counsel Jack Barone;
- Third-Party Defendants Castle Drywall, Inc. and David R. Howard Electric, Inc., are represented by counsel Melissa Lin;
- Third-Party Defendants Alvin Concrete, Inc., Arizona Door & Trim, Inc., Dotty & Sons Contracting, Eagle Valley Construction, Inc., Maycon Iron Design, and Gypsum Floor Masters, Inc., are represented by counsel Kyle A. Israel and Daniel Beatty;
- Third-Party Defendant Alvin Concrete, Inc., is represented by counsel Christopher Stickland;
- Third-Party Defendant GAC, Inc., is represented by counsel Jason J. Bliss;
- Third-Party Defendant Sunrise Stucco, Inc., is represented by counsel Richard Brumbaugh and Tonya MacBeth; and
- Third-Party Defendant Jordan Windows is represented by counsel Douglas H. Fitch.

Court Reporter, Karen Bolton, is present.

Argument is presented regarding Defendants/Third-Party Plaintiffs' *Motion to Strike and/or Vacate Minute Entry Dated July 9, 2009*, filed July 17, 2009.

Discussion is held regarding the pending motions and requests as set forth in the parties' *Joint Statement Regarding Pending Motions and Requests*, filed July 15, 2009

Mr. Lorber requests a continuance of the argument on the pending substantive motions and requests until the Court issues its ruling with respect to the *Motion to Strike and/or Vacate Minute Entry Dated July 9, 2009*.

For the foregoing reason and for those set forth on the record, there being no objections,

IT IS ORDERED directing the parties to file their responses to the Motion no later than **5:00 p.m. July 27, 2009**. No reply is requested. Once the Court issues its ruling on the Motion to Strike, the Court shall set hearing on any remaining motions, if necessary.

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The Court having reviewed and considered Defendants/Third-Party Plaintiffs' *Motion for Mandatory Settlement Conference and to Compel Attendance*, filed July 15, 2009, and *Third-Party Defendant Sunrise Stucco, Inc.'s Opposition to Motion For Settlement Conference*, filed July 17, 2009,

IT IS ORDERED granting the Motion and directing all remaining parties in this action to participate in the settlement conference scheduled for July 29, 2009.

The Court having reviewed and considered Defendants/Third-Party Plaintiffs' *Motion to Withdraw as Counsel*, filed June 22, 2009, and the Response thereto,

IT IS ORDERED granting the Motion and allowing the law firm of Doyle, Berman Murdy, P.C. to withdraw as counsel for Defendants/Third-Party Plaintiffs from any further proceedings in this matter.

The Court having reviewed *Defendants' Motion for Leave to Exceed Presumptive Page Limit for Reply*, filed June 8, 2009, and noting that the Reply has already been filed,

IT IS ORDERED granting the Motion for Leave.

The Court having reviewed the *Third-Party Defendant Century Roofing, Inc.'s Notice of Conflict with Trial Management Conference*, filed July 17, 2009, the request by Ms. Rina Rai to be excused from this conference is granted.

The Court having reviewed the *Third-Party Defendant Sunrise Stucco, Inc.'s Notice of Conflict*, filed July 17, 2009, denies the request to reset this conference. However, the Court notes that Mr. Brumbaugh is present at this conference on Ms. Ingold's behalf.

The Court having reviewed the Defendants/Third-Party Plaintiffs' *Request for Findings of Fact and Conclusions of Law*, filed June 23, 2009,

IT IS ORDERED denying the Request.

Discussion is held regarding Mr. Lorber's request for a protective order with respect to the settlement agreement reached between Plaintiffs and Defendants/Third-Party Plaintiffs. The Court will take no action as to this matter, unless and until a specific request is made by the parties.

2:15 p.m. Matter concludes.

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**HONORABLE EILEEN S. WILLET
MARICOPA COUNTY SUPERIOR COURT
CENTRAL COURT BUILDING
201 W. JEFFERSON
4TH FLOOR, COURTROOM 401
PHOENIX, AZ 85003
602-506-3343**

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