

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-027510

08/16/2010

HONORABLE LINDA H. MILES

CLERK OF THE COURT
L. Crawford
Deputy

DESERT MOUNTAIN MASTER
ASSOCIATION, THE

ANGELA L POTTS

v.

SOUTHPLACE AMERICA L L P

OLIVIER A BEABEAU

ALTERNATIVE DISPUTE
RESOLUTION - CCC

MINUTE ENTRY

Courtroom 106

10:30 a.m. This is the time set for telephonic Comprehensive Pretrial Conference. Appearing telephonically on behalf of Plaintiff, The Desert Mountain Master Association, is counsel, Lyn Anne Bailey, appearing for Angela L. Potts. Appearing telephonically on behalf of Defendant, Southplace America, LLP, is counsel, Keith Galbut, appearing for Olivier A. Beabeau.

A recording of this proceeding is being made by audio and/or videotape in lieu of a court reporter.

The Court has received and reviewed the parties' Joint Pretrial Conference Memorandum, filed August 5, 2010.

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The Court notes that the parties stipulate to all of the deadline dates as set forth in the parties' Joint Pretrial Conference Memorandum and the accompanying form of order.

Discussion is held.

Defendant's counsel advises the Court that Defendants are in the process of filing a bankruptcy petition in Scotland, and will soon be filing a Chapter 15 bankruptcy petition in the State of Arizona.

IT IS ORDERED approving and settling the formal written Scheduling Order signed by the Court on August 16, 2010 and eFiled on August 16, 2010.

By agreement of the parties,

IT IS FURTHER ORDERED that the parties shall participate in a mandatory Settlement Conference. This case is referred to the court's Alternative Dispute Resolution for the appointment of a judge *pro tempore* to conduct a settlement conference. Counsel and/or parties will receive a minute entry from ADR appointing the judge *pro tempore*. Counsel and any "pro per" parties will contact the appointed judge *pro tempore* to arrange the date, time and location for the settlement conference. The judge *pro tempore* is requested to conduct a settlement conference not later than **November 30, 2010**. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office.

IT IS FURTHER ORDERED setting a telephonic status conference on **February 11, 2011 at 10:00 a.m.** (time allotted: 15 minutes) for the purpose of assigning a trial date if appropriate.

**HONORABLE LINDA H. MILES
MARICOPA COUNTY SUPERIOR COURT
NORTHEAST REGIONAL COURT CENTER
18380 N. 40TH STREET
COURTROOM 106
PHOENIX, ARIZONA 85032
(602) 506-6452**

NOTE: Plaintiff shall be responsible for initiating the conference call by calling this Division at **602-506-6452** with all participating parties and counsel on the line at the date and

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time specified above. Telephonic appearances shall be made from a LANDLINE and **NOT** a cellular phone.

COUNSEL PARTICIPATING IN THE CONFERENCE CALL SHALL BE KNOWLEDGEABLE ABOUT THE CASE AND ITS STATUS, AND SHALL HAVE AUTHORITY TO MAKE DECISIONS ABOUT SCHEDULING AND OTHER MATTERS RELATED TO THE CASE.

IT IS FURTHER ORDERED that in no less than **five days** prior to the Status Conference set herein, the parties shall submit a Joint Status Report to the Court containing a brief history of the case, the status of discovery, any outstanding discovery disputes, and the status of the parties' settlement efforts.

DISCOVERY DISPUTES: Should any discovery dispute arise, any party seeking a discovery order shall, prior to filing a discovery motion, meet and confer pursuant to ARCP, Rule 37(a)(2)(C). Counsel are advised that, as the Court interprets Rule 37(a)(2)(C), an exchange of correspondence between counsel is **not** sufficient to satisfy the "personal consultation" requirement of the Rule, except in extraordinary circumstances. At a minimum, counsel must speak to each other by telephone to attempt to resolve the dispute in good faith before involving the Court. Counsel are further advised that after the personal consultation referenced above, the Court is available to discuss, by joint telephone call, discovery disputes or any other matter that may impact the parties' ability to resolve this case in a just, speedy and inexpensive manner. See Rule 1, ARCP.

IT IS FURTHER ORDERED removing this case from the Inactive Calendar and all requirements of Rule 38.1, Ariz.R.Civ.P., are waived until otherwise ordered by the Court.

10:35 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>