

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-000707

10/19/2017

HONORABLE DAWN M. BERGIN

CLERK OF THE COURT  
S. Ortega  
Deputy

MARKHAM CONTRACTING CO INC

KAREN A PALECEK

v.

PINNACLE POINT DEVELOPERS L L C, et al.

RICHARD Q NYE  
FRANK S TOMKINS

**ORAL ARGUMENT RESET**

The Court has reviewed the Parties' Stipulation to Extend Briefing Schedule filed on October 13, 2017.

**IT IS ORDERED** granting the agreed-to amended briefing schedule as follows:

1. Plaintiff MARKHAM will file its Reply to Defendants' Response to MARKHAM's Application for Fees and its Reply to Defendants' Response to MARKHAM's Motion for Entry of Judgment on **November 6, 2017**.
2. Plaintiff MARKHAM will file its Responses to Defendants' Motions for Summary Judgment and Application for Fees on **November 6, 2017**.
3. Defendants FDIC and PRIME AZ will file their Replies re: their Motions for Summary Judgment and Application for Attorneys' Fees on **November 21, 2017**.

**IT IS FURTHER ORDERED** vacating and resetting the Oral Argument from November 20, 2017 at 1:30 p.m. to **December 7, 2017 at 1:30 p.m. (2 hours)** on the following:

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- Markham Contracting Co., Inc.'s Motion for Entry of Judgment, filed September 1, 2017;
- Markham Contracting Co., Inc.'s Application for Attorneys' Fees, Costs, Expenses, and Rule 68 Sanctions, filed September 1, 2017;
- Defendant FDIC's Motion for Summary Judgment on Plaintiff's Right to Foreclose against FDIC's Interest in the Property, filed October 2, 2017;
- FDIC's and PrimeAZ's Joint Motion for Summary Judgment re: Rights of Parties with respect to Real Property and FDIC's and PrimeAZ's right to Interest on Equitable Subrogation Amount, filed October 2, 107;
- PrimeAZ/Libra, LLC's and FDIC's Joint Cross Application for Attorney's Fees, Costs and Expenses, filed October 3, 2017.

Counsel and the parties, if representing themselves, are to appear in person before:

**THE HONORABLE DAWN BERGIN  
MARICOPA COUNTY SUPERIOR COURT  
EAST COURT BUILDING  
101 W JEFFERSON  
7<sup>TH</sup> FLOOR, COURTROOM 713  
PHOENIX, AZ 85003  
602-372-2961 TEL**

**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, 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.