

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-022683

11/28/2011

HONORABLE MICHAEL J. HERROD

CLERK OF THE COURT  
M. Sahli  
Deputy

BARBARA KERTMAN, et al.

BURTON ROSENBLATT

v.

CHETAN GUJRATHI, et al.

RICHARD A KENT

MARY G PRYOR  
ANDREW E ROSENZWEIG

MINUTE ENTRY

8:30 a.m. In chambers. This is the time set for Telephonic Status Conference. All parties appear telephonically. Plaintiffs are represented by counsel, Burton Rosenblatt. Defendants Gujrathi, Simms and Arizona Otolaryngology Consultants are represented by counsel, Gordon Clevenger. Defendants St. Joseph's Hospital, Hopkin, Mullen and Bliss are represented by counsel, Andrew Rosenzweig. Defendant Desert Hospitalists is represented by counsel, Mary Pryor.

No court reporter is present.

Court and counsel discuss the status of the case.

**IT IS ORDERED** setting Oral Argument re: Defendant Desert Hospitalists, P.C.'s Motion for Partial Summary Judgment re: Purported Vicarious Liability Claims for the Alleged Conduct of Vance Julian, M.D. for **January 6, 2012 at 3:00 p.m.** in this division. Counsel's

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arguments are limited to fifteen (15) minutes per side. If additional time is requested, counsel shall contact the Court.

**THE HONORABLE MICHAEL J. HERROD**

Maricopa County Superior Court  
201 W. Jefferson  
Courtroom 903  
Phoenix, AZ 85003  
(602) 372-0359

Unless otherwise advised by the Court at oral argument, the parties should assume that the Court has reviewed the parties' memoranda. Accordingly, the parties should be prepared to focus on the key issues in dispute and to answer questions from the Court.

**IT IS FURTHER ORDERED** setting a telephonic Status Conference for **January 27, 2012 at 8:45 a.m.** with **Plaintiff to initiate** call to this Division, telephone number 602-372-0359.

**IT IS FURTHER ORDERED** that **3 days prior** to the Status Conference, the parties shall submit a written **Joint Notice of Statement of the Case** indicating the following:

- The status of the case;
- Compliance with the Court's deadlines,
- Issue(s) that they have resolved; and
- Any problems or motions to address.

**Suggestions to conference call attendees calling from outside the court system:**

- Do not use a speaker phone.
- Do not use a cell phone. If possible, use a desk phone.
- Avoid noisy areas.
- Mute phone when not speaking.
- State your name every time you address the Court.

Counsel are advised that 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, Ariz.R.Civ.P.

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With respect to discovery disputes, counsel are also advised that, as the Court interprets Civil 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.

8:37 a.m. Matter concludes.

**PLEASE NOTE:** This courtroom is not an E-Courtroom and the division does not have an assigned court reporter. If a court reporter is required, the Court must receive a written request at least 3 court days before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

**NOTE:** The parties are advised that failure to appear at a hearing may result in sanctions, including a Default Judgment.