

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-050963

12/15/2006

HONORABLE MICHAEL D. JONES

CLERK OF THE COURT  
T. Ross  
Deputy

TROON NORTH ASSOCIATION

FREDERICK E DAVIDSON

v.

STEPHEN WILSON, et al.

STANLEY R LERNER

BRIAN G LESTER  
ALTERNATIVE DISPUTE  
RESOLUTION - CCC

MINUTE ENTRY

**NORTHEAST COURTROOM 104**

10:07 a.m. This is the time set for Oral Argument Re: Plaintiff's Motion for Partial Summary Judgment and Rule 16 Scheduling Conference. Plaintiff is represented by counsel, Frederick E. Davidson and Brian G. Lester. Defendant Stephen Wilson is present and represented by counsel, Stanley R. Lerner.

A recording of this proceeding is made by CD (FTR) in lieu of a court reporter.

Oral argument is presented to the Court.

IT IS ORDERED denying Motion to Strike the Affidavit of Jim Hunsberger.

IT IS ORDERED granting Partial Summary Judgment on the issue of Defendants' failure to seek and obtain approval of the paint color from the Architectural Review Committee, as required by applicable CC&R's. There are not disputed material facts as to this issue and Plaintiff is entitled to judgment as a matter of law.

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IT IS FURTHER ORDERED granting the Motion for Partial Summary Judgment in that respect, I will also deny the Cross Motion for Summary Judgment in this case.

IT IS FURTHER ORDERED 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 the 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 March 30, 2007. The office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office. If counsel prefer to use a private mediator to conduct the Settlement Conference, a Stipulation and Order re Alternative ADR must be presented to the Court by no later than 30 days prior to the scheduled settlement conference.

IT IS FURTHER ORDERED that if the parties stipulate to participate in a private mediation, and that mediation is completed earlier than the settlement conference deadline, they may petition the court for an accelerated status conference date.

IT IS FURTHER ORDERED setting a telephonic Rule 16 Scheduling Conference pursuant to Rule 16(b), Rules of Civil Procedure, for January 29, 2007 at 9:00 a.m. in this division. Counsel for Plaintiff shall initiate the conference call to this division at 602.506.2030.

IT IS FURTHER ORDERED counsel for all parties shall personally meet and prepare a Joint Comprehensive Pretrial Memorandum addressing all subjects set out in Rule 16(b), Rules of Civil Procedure. The Joint Comprehensive Pretrial Memorandum shall be submitted to the Court by 5:00 p.m., January 22, 2007.

10:42 a.m. Hearing concludes.