

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-000707

12/11/2017

HONORABLE DAWN M. BERGIN

CLERK OF THE COURT  
S. Ortega  
Deputy

MARKHAM CONTRACTING CO INC

KAREN A PALECEK  
ERIC M FRASER  
THOMAS L HUDSON

v.

PINNACLE POINT DEVELOPERS L L C, et al.

RICHARD Q NYE  
FRANK S TOMKINS  
SCOTT A MALM

**MINUTE ENTRY**

Courtroom: ECB - 713

1:34 p.m. This is the time set for continued Oral Argument on the claim for pre-judgment interest. Plaintiff, Markham Contracting Co., Inc., is represented by counsel, Karen Palecek, Eric Fraser, and Thomas Hudson. Michael Markham, representative for Plaintiff, Markham Contracting Co., Inc., is also present. Defendant, Federal Deposit Insurance Company ("FDIC"), is represented by counsel, Scott Malm, for counsel of record Frank Tomkins.

Mr. Malm notifies the Court that he received an email from Richard Nye, counsel for Defendant, PrimeAZ/Libra LLC, waiving his appearance at today's hearing due to a scheduled medical appointment.

A record of the proceedings is made digitally in lieu of a court reporter.

Oral argument is presented.

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For the reasons set forth on the record,

**THE COURT FINDS** that Markham's lien amount is a liquidated sum for purposes of pre-judgment interest.

The Court emphasizes the need for thorough supplemental briefing on FDIC's claims of immunity.

2:13 p.m. Hearing concludes.

**LATER:**

**IT IS ORDERED** increasing the page limit for the supplemental briefing on FDIC's claims of immunity to 12 pages.