

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-002954

03/31/2008

HONORABLE KRISTIN HOFFMAN

CLERK OF THE COURT
D. Glab
Deputy

RICK RZENDZIAN, et al.

MICHAEL N POLI

v.

YASSER MAJED, et al.

LORI A CURTIS

JEFFREY R HOVIK
AMY A KUNZ SWANER
ROBERT B ZELMS

CASE PARTIALLY PLACED ON INACTIVE CALENDAR
ORAL ARGUMENT IS SET

11:04 a.m. This is the time set for oral argument on various motions. Plaintiff is represented by counsel, Michael N. Poli. Defendants Majed and Speedsmart are represented by counsel, Lori A. Curtis. Defendants Pavone, Shinohara and Commercial Plus, L.L.C. are represented by counsel, Robert B. Zelms.

A record of the proceeding is made by CD/videotape in lieu of a court reporter.

Discussion is held.

With regard to Defendants Duane Thoms, Patricia Thoms and Thoms & Associates Appraisal & Consulting, L.L.C.'s Motion to Dismiss Plaintiffs' Claims, the oral argument set this date is vacated, and these Defendants are placed on the Inactive Calendar for dismissal on May 30, 2008, as to Defendants Duane Thoms, Patricia Thoms and Thoms & Associates Appraisal & Consulting, L.L.C. only.

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Argument is held regarding the broker defendants.

IT IS ORDERED that Plaintiff shall revise his ruling on expert affidavit to more clearly set forth the basic tort elements – duty, breach, causation, damages, with regard to the broker defendants and that needs to be done within two weeks of today's date.

THE RECORD WILL REFLECT that the broker defendants were really the agent. Defendants have agreed that Mr. Poli may file an amended complaint alleging breach of fiduciary duty.

As to the sellers and the sellers' brother,

IT IS ORDERED granting the Rule 56(f) Relief. The parties are given until August 1, 2008, to complete depositions and other necessary discovery. Plaintiff is given until August 15, 2008, to reply. Defendants' response is due September 5, 2008.

IT IS ORDERED setting oral argument on the Majed's Motion for Summary Judgment on **September 26, 2008, at 8:30 a.m.**

NOTE: Effective June 19, 2008:

Judge J. Kenneth Mangum will be handling Judge Kristin C. Hoffman's Civil Calendar.

HON. J. KENNETH MANGUM
EAST COURT BUILDING
101 WEST JEFFERSON, SUITE 514
PHOENIX, AZ 85003-2202
TELEPHONE NUMBER: 602 506-4567

Time allotted: one-half hour.

11:47 a.m. Hearing concludes.