

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-005272
CV 2004-006277

06/30/2004

HON. MARGARET H. DOWNIE

CLERK OF THE COURT
L. Rasmussen
Deputy

FILED: 07/01/2004

KEVIN C SCHEIDEGGER, et al.

LAUNI JOELLA JONES

v.

RON LEVENTHAL, et al.

DOUGLAS SCHUMACHER

COURT ADMIN-CIVIL-CCC
JUDGE BARTON
DOCKET-CIVIL-CCC
FILE ROOM-CSC

RULING/CASE CONSOLIDATION

The complaint in CV 2004-005272 (case #1) was filed by plaintiffs Kevin Scheidegger and K.C. Phone Systems, Inc. against defendants Ron Leventhal and Phoenix Appraisal Services on March 22, 2004. Case #1 is assigned to this division. The complaint in CV 2004-006277 (case #2) was filed by plaintiff Ron Leventhal against defendants Kevin Scheidegger and K.C. Phone Systems, Inc. on March 31, 2004. Case #2 is currently assigned to Judge Barton. The two cases arise out of the same facts.

Scheidegger filed a motion to dismiss in case #2 based on the pendency of case #1. Ordinarily, Judge Barton would rule on that motion. However, after consultation, Judge Barton and Judge Downie determined that it was more appropriate for Judge Downie to consider the motion to dismiss in conjunction with the motion to consolidate. (Judge Downie has the lower case number.) Having considered the matters presented,

IT IS ORDERED denying Scheidegger's motion to dismiss and motion for sanctions.

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IT IS FURTHER ORDERED granting Leventhal's motion to consolidate. The two cases will be consolidated under CV 2004-005272, which remains assigned to Judge Downie. Based on Scheidegger's avowals, the court determines that the case is not subject to mandatory arbitration at this time. This determination is subject to further review once the record on this point is better developed.