

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-017113

02/10/2011

HONORABLE DEAN M. FINK

CLERK OF THE COURT
S. Brown
Deputy

BARRY B YAMRON, et al.

JAMES J PALECEK

v.

ENGLE WHITESTONE L L C, et al.

BARBARA K BERRETT
BOOKER T EVANS JR.
ALEXANDRA MIJARES NASH

**INACTIVE CALENDAR
ORAL ARGUMENTS SET**

OCH Courtroom 202

9:01 a.m. This is the time set for a telephonic trial scheduling conference. Plaintiffs are represented by counsel, James Palecek. Defendant Preferred Home Mortgage Company is represented by counsel, Booker Evans and Alexandra Mijares. Defendants Roberts Appraisal Group and Eric Ranta are represented by counsel, Barbara Berrett.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court addresses the status of Defendant Engle Whitestone, LLC. An Application for Default having been filed against said Defendant, Mr. Palecek is directed to take steps to obtain a default judgment by March 28, 2011.

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Discussion is held regarding setting oral arguments on the various pending motions. With respect to the Motions to Compel, the Court has not determined whether it will set oral argument.

IT IS ORDERED setting oral argument on **Plaintiff's Motion to Amend Complaint on March 16, 2011 at 11:00 a.m.**

IT IS FURTHER ORDERED setting oral argument on the following Motions to Dismiss on **March 28, 2011 at 9:00 a.m. (90 minutes)**:

- Preferred Home Mortgage Company's Renewed Motion to Dismiss Counts 2, 3, 8, 9, 14, 15, 20, 21, 26, 27, 32 and 33 and Defendant Roberts Appraisal Group and Eric Ranta's Joinder thereto;
- Defendants Roberts Appraisal Group and Eric Ranta's Motion to Dismiss Counts 2, 3, 8, 9, 14, 15, 20, 21, 26, 27, 32 and 33;
- Defendants Roberts Appraisal Group, Eric Ranta's and Preferred Home Mortgage Company's Rule 37(d) Motion to Dismiss, or in the Alternative, Join Jill Quentzel as a Real Party in Interest.

IT IS FURTHER ORDERED setting oral argument on the following Motions for Summary Judgment on **April 18, 2011 at 10:00 a.m. (2 hours)**:

- Preferred Home Mortgage Company's Motion for Summary Judgment for All Claims Filed by Plaintiffs Jeffrey P. and Rona Mast;
- Preferred Home Mortgage Company's Motion for Summary Judgment Regarding Plaintiffs' Claims for Punitive Damages;
- Preferred Home Mortgage Company's Motion for Summary Judgment of All Claims Filed by Plaintiffs Barry B Yamron and Karen J. Yamron, and Yamron Family Living Trust Dated 4/28/1992;
- Defendants Roberts Appraisal Group and Eric Ranta's Motion for Summary Judgment on the Masts Plaintiffs' Claims for Fraud and Unjust Enrichment;
- Defendants Roberts Appraisal Group and Eric Ranta's Motion for Summary Judgment on the Yamron Plaintiffs' Claim for Negligent Misrepresentation, Fraud and Unjust Enrichment.

IT IS FURTHER ORDERED continuing this matter on the inactive calendar until May 31, 2011.

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Counsel are advised that a separate minute entry will be issued indicating all filings in this case must be electronically filed.

9:19 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>