

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-011742

11/17/2003

HON. JONATHAN H. SCHWARTZ

CLERK OF THE COURT
D. Glab
Deputy

FILED: 11/21/2003

ROBERT DUNN, et al.

DANIEL B TREON

v.

AMERICAN FAMILY INSURANCE
COMPANY

LYNN M ALLEN

MINUTE ENTRY

3:41 p.m. This is the time set for oral argument on Defendant's Motion for New Trial. Plaintiff is represented by counsel, Richard T. Treon and Steve Silverman. Defendant is represented by counsel, Lynn M. Allen.

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

A discussion is held.

IT IS ORDERED granting Defendant's Motion for New Trial.

IT IS FURTHER ORDERED vacating the Judgment of July 28, 2003. In place of the Judgment, the Court Orders that the appraisal award of June 19, 2002 be confirmed. The appraisers did not intend to decide coverage issues. In the award, the appraiser wrote "Additionally, this Appraisal Award is made without consideration of any deductibles, any payments or any coverage limitations". Defendants notified the appraisers that Defendants were not agreeing to coverage on all of the items appraised. Therefore, it would be unfair to enter a collectable Judgment. The 90 day deadline is not applicable in this situation. The Defendants were satisfied with the award because the award specifically did not purport to decide coverage issues.

4:14 p.m. Hearing concludes.