

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2001-021614

02/20/2004

JUDGE PENDLETON GAINES

CLERK OF THE COURT  
W. Bobrowski  
Deputy

FILED: 02/24/2004

HEATHER GLEN HOMEOWNERS  
ASSOCIATION INC

MICHAEL G WALES

v.

HG 2 L L C

KEVIN T AHERN

TROY G ALLEN

STATUS CONFERENCE SET;  
ORAL ARGUMENT SET

11:25 a.m. This is the time set for Pretrial Conference and Oral Argument Re: HG 2's Motion to Exclude and Renewed Motion for Permission to Depose all Third Party Defendant Homeowners, HG 2's Motions to Compel and HG 2's Motion for Extension of Time to Complete Discovery. Plaintiff is represented by counsel, Michael Wales. Defendant is represented by counsel, Kevin Ahern and Troy Allen.

Court Reporter, Michael Vacca, is present.

IT IS ORDERED as follows:

1. The date for continuation of discovery is continued to April 30, 2004.
2. In light of order number 1, HG 2's Motion for Extension of Time to Complete Discovery is withdrawn.
3. The Court sets a Continued Status Conference and Oral Argument for **April 2, 2004 at 10:30 a.m.** on the following pending motions:
  - a. HG 2's Motion to Compel Compliance with the September 12, 2003 Minute Entry.

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- b. HG 2's Motion to Compel Supplementation of Plaintiff's Experts' Reports.
- c. HG 2's Motion to Exclude.

The briefing on these motions will be as follows:

- Plaintiff will respond to the motions not later than Friday, March 12, 2004.
- Defendant will file its reply memoranda not later than Monday, March 22, 2004.

At that point the motions will be briefed and at issue.

No further motions will be heard on April 2, 2004, other than the ones specifically identified in this order.

- 4. Plaintiff and Third-Party Defendant agree and stipulate that they do not have any claims against HG 2 for reduction or diminution in value or for loss of use and temporary housing expenses.
- 5. The Court will set a Continued Status Conference and Pretrial Conference on **May 21, 2004 at 11:30 a.m.** to discuss setting this case for trial and the mechanics of that trial.

At the initiative of Plaintiff's counsel, a joint report will be filed not later than noon on April 14, 2004, addressing the following agenda items:

- a. Each party's estimate of trial time and the basis for that estimate.
- b. Creative and effective use of courtroom technology, deposition summaries, summaries of direct testimony, maps, charts, exhibits, diagrams, videotapes and anything else that counsel may wish to use to expedite the trial in this matter.
- c. Agreed upon processes for pre-marking all exhibits directly into evidence.

Discussion is held regarding the Mediator's Report to Court.

The Court directs Mr. Wales to arrange a joint telephone call with the mediator, both counsel for HG 2 and the Court to discuss the report.

IT IS ORDERED the Court's previous ordered deadline for mediation is suspended until further order; however, the obligation of the parties to continue to engage in good faith mediation remains.

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11:37 a.m. Conference concludes.