

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-007319

10/12/2010

HONORABLE JEANNE GARCIA

CLERK OF THE COURT  
M. Hovorka  
Deputy

CLYDE MCKAY

GEOFFREY S KERCSMAR

v.

J BONZ CORPORATION, et al.

JANET W WEINSTEIN

**MINUTE ENTRY**

Courtroom 303 – Old Courthouse

4:00 p.m. This is the time set for Telephonic Status Conference to advise the court of a calendar conflict in scheduling the Settlement Conference to be conducted by Judge Oberbillig and to discuss Plaintiff's discovery dispute. Plaintiff is represented by counsel, Gregory B. Collins and Geoffrey S. Kerksmar. Defendants, J Bonz Corporation, John P. Bosch and Patti S. Bosch, are represented by counsel, Janet W. Weinstein.

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

Discussion is held regarding the discovery dispute regarding production of QuickBooks records.

**IT IS ORDERED** taking the discovery dispute under advisement.

Discussion is held regarding the calendar conflict in scheduling the Settlement Conference

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-007319

10/12/2010

to be conducted by Judge Oberbillig.

Upon stipulation of counsel and good cause appearing,

**IT IS ORDERED** that the parties participate in private mediation and the mediation shall be concluded prior to the Evidentiary Hearing regarding the Appointment of a Receiver that has been reset herein. **A decision maker for each party must participate in the mediation.**

**IT IS FURTHER ORDERED** that the parties (**and insurance adjusters**) must personally attend and participate in the private mediation. The Settlement Conference must be held and the parties must participate in good faith even if no settlement is expected.

Discussion is held regarding the November 17, 2010 Evidentiary Hearing regarding the Appointment of a Receiver.

Upon stipulation of counsel,

**IT IS ORDERED** vacating the Evidentiary Hearing regarding the Appointment of a Receiver set for November 17, 2010 and resetting same to **December 2, 2010 from 9:00 a.m. to 5:00 p.m. and December 3, 2010 from 9:00 a.m. to 12:00 p.m. (time allotted: 1 ½ days)** in this Division.

**IT IS FURTHER ORDERED** that exhibits shall be delivered no later than **November 22, 2010** (instead of November 8, 2010) along with a brief description of each exhibit to this Division's clerk for marking. Exhibits shall be marked numerically and consecutively. *Do not skip numbers.* Numbers will not be skipped or saved in anticipation of additional exhibits to be submitted. Additional exhibits, if necessary, may be marked during the course of the hearing. Exhibits should be submitted to the clerk in a three-ring binder, each separated by a tabbed numbered divider. If exhibits are submitted without a binder, then they shall be separated by a colored sheet of paper with the exhibit number written on front. Each exhibit shall be clipped or bound if too large to be stapled. *Please provide a separate copy of exhibits to the court to be referenced by the Judge during the hearing.*

**NOTE:** All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by calling the Division five (5) judicial days before the scheduled hearing.

4:41 p.m. Conference concludes.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-007319

10/12/2010

**LATER:**

**DISCOVERY DISPUTE**

Plaintiff, a former employee and 30% shareholder of Defendant J. Bonz Corporation, seeks a copy of Defendant's QuickBooks records. Defendant J. Bonz Corporation has opted to purchase Plaintiff's shares pursuant to A.R.S. §10-1434(B) and objects to the production of proprietary and trade secret information contained in these records without protective measures to ensure that Plaintiff does not misuse this confidential information. Plaintiff, through counsel, and in consultation with his experts, proposed a means of providing the confidential information to the experts for their use in appraising the Corporation. (Exhibit A to Defendants' Position Re Discovery Dispute dated October 12, 2010)

**THE COURT FINDS** the proposal Plaintiff previously presented will provide Defendants with protections and provide Plaintiff's experts the necessary information for their valuation. Therefore,

**IT IS ORDERED** that the portions of the Protective Order attached as Exhibit B to Defendants' Position Re Discovery Dispute are approved and that Defendants produce the QuickBooks records pursuant to the procedure set forth in the Protective Order as soon as possible.

Should Plaintiff's expert(s) need to reveal the specific customers, vendors, or product identity, or specific pricing information to Plaintiff for purposes of their appraisal, the expert shall, if necessary, provide the court with an affidavit detailing the need for same. However, before providing any affidavit, the parties and their experts must consult with each other in good faith in an attempt to resolve any dispute before involving the court.

**OCTOBER 25 STATUS CONFERENCE**

The court notes that a status conference is set for October 25, 2010 at 10:30 a.m. pursuant to Defendants' Request for Conference filed on August 11, 2010. Given the recent conferences held during which evidentiary hearings have been scheduled; the court does not believe the need for the October 25, 2010 status conference exists. Therefore,

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-007319

10/12/2010

**IT IS ORDERED** vacating the status conference set for October 25, 2010.

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