

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2002-023427

06/07/2004

HON. JONATHAN H. SCHWARTZ

CLERK OF THE COURT
D. Glab
Deputy

FILED: 06/11/2004

CHISHOLM CO INC

DAVID D RODGERS

v.

HICKMANS EGG RANCH INC

PAMELA B PETERSEN

ALTERNATIVE DISPUTE
RESOLUTION - CCC

MINUTE ENTRY

11:17 a.m. This is the time set for Plaintiff's Emergency Motion to Compel and Defendant Hickman's Motion for Protective Order. Plaintiff is represented by counsel, David D. Rodgers. Defendant is represented by counsel, Pamela B. Petersen.

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

Argument is held.

IT IS ORDERED granting in part and denying in part Plaintiff's emergency Motion to Compel Against Third Party Ganado Group and granting in part and denying in part Plaintiff's Motion to Compel Production of Documents and granting in part and denying in part Defendant's Motion for Protective Order.

Ganado will disclose the appraisal related to Compass Bank renegotiation and all communications from the Plaintiff concerning the appraisal. Compass will disclose all documents reflecting communications to or from Plaintiff in connection with the renegotiation of Hickman's loan with Compass in May 2002. The Court determines that the information in addition to the material described above requested by Plaintiff is not reasonably likely to lead to the discovery of admissible evidence. The Court determines that the financial success of these endeavors is not relevant. The measure of damages for the unjust enrichment/quantum meruit

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claim would not be a percentage of the profit. The Compass Bank will also disclose the loan documents.

Hickmans will produce documents related to the Compass Bank renegotiation and the Ak-Chin transaction.

1. Plaintiff's experts and opinions will be disclosed by June 30, 2004.
2. Defendant's experts and opinions will be disclosed by July 31, 2004.
3. Non-expert witnesses will be disclosed by July 20, 2004.

4. This matter is referred to the Court's Alternative Dispute Resolution Office for the appointment of a Judge *Pro Tempore* to conduct a settlement conference by September 7, 2004. Counsel and/or the parties are instructed that ADR will not set the settlement conference and therefore **they should not contact the office of ADR.** Counsel and/or the parties will be notified by ADR by minute entry upon the appointment of a Judge *Pro Tempore* and at that time should contact the appointed Judge *Pro Tempore* to arrange the time and location for the settlement conference. Within three days after the settlement conference, counsel will file a joint statement informing the Court of the result and whether a trial date is necessary. If a trial is necessary, counsel will include in the statement agreed upon suggested trial dates and length of trial (should be in late January 2005).

5. All discovery, including depositions, will be completed by September 20, 2004.
6. Dispositive motions will be disclosed by October 4, 2004.

11:54 a.m. Hearing concludes.