

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-000008

05/16/2018

HON. ROSA MROZ

CLERK OF THE COURT
C. Ramirez
Deputy

GREGORY BEST, et al.

GREGORY BEST
P O BOX 24152
PHOENIX AZ 85074

v.

HARRY TAPIA CADRIEL, et al.

KYLE WESTFALL HALLSTROM

MINUTE ENTRY

Courtroom 414 – East Court Building

8:45 a.m. This is the time set for Telephonic Pre-Trial Conference. Plaintiff is present on his own behalf. Defendant, Jose Saratiel Heredia Nieblas is represented by counsel, Kyle Westfall Hallstrom. No other parties present.

A record of the proceedings is made digitally in lieu of a court reporter.

Discussion is held regarding Plaintiff's Motion for Summary as to Liability Against Defendant Nieblas filed on August 16, 2017. The deadline for Nieblas' Response is thirty days after the dispositive motion deadline of April 16, 2018, or May 16, 2018. Defendant Nieblas's counsel orally requests an extension of time to file dispositive motions and the response.

For the reasons stated on the record,

IT IS ORDERED granting Nieblas' request. The deadline for filing dispositive motions is now May 18, 2018. The response due date for all motions for summary judgment is now June

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18, 2018. The parties may file any replies to any motions for summary judgment in accordance with the deadlines set by the rules. *See* Civil Rules 56(c)(2); 6(a).

Discussion held regarding the parties' settlement efforts. Nieblas was supposed to obtain an appraisal on his property to decide whether to sell the property to Plaintiff. Nieblas subsequently decided not to obtain the appraisal because he could not afford the appraisal.

Discussion is held regarding the parties' discovery dispute.

IT IS ORDERED that Plaintiff will submit the actual discovery requests and the list of Defendant's objections, jointly to this Division via email to the Judicial Assistant, Sandra Nageotte, at nageottes@superiorcourt.maricopa.gov by no later than 5:00 p.m. May 21, 2018. When the Plaintiff submits the outstanding discovery via email, the Counsel for Defendant should be included in the email.

Discussion held regarding the remaining claims in this case. Plaintiff has already obtained a default judgment against Defendants Cadriel and Hartman. The only remaining defendant is Defendant Nieblas. Per the Court's review of Plaintiff's First Amended Complaint filed on April 24, 2017, the only remaining claims against Defendant Nieblas are for Count 1, Trespass, and Count 2, Theft/Conversion. Plaintiff affirms that the total value of those claims is \$18,000.

The Court informs the parties that if the Court does not grant summary judgment, the Court will be sending the case to mandatory arbitration. *See* Civil Rule 76(e)(6) ("At any time after the close of the pleadings, the court may, on its own or on motion, determine that an action is subject to compulsory arbitration and may order that it proceed to arbitration as provided in these rules.").

Plaintiff states his intentions to file an amended complaint to add a claim for interference with business expectancy against Nieblas. The Court states that discovery is already closed and Plaintiff's request may be too late, but that Plaintiff can file a written motion for the Court to consider.

9:17 a.m. Matter concludes.