

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-006947

07/28/2006

HONORABLE ROBERT C. HOUSER

CLERK OF THE COURT
R. Tomlinson
Deputy

FILED: 08/01/2006

MARILYN PRICE, et al.

STEPHEN E SILVERMAN

v.

SAFECO INSURANCE COMPANY, et al.

LARRY D LANGLEY

RICHARD T TREON

MATTER UNDER ADVISEMENT

3:03 p.m. This is the time set for Oral Argument regarding Defendant's Motion to Compel Inspections, Plaintiffs' Motion for Partial Summary Judgment Re: Conclusive Effect of Appraisal Awards, and Arizona Department of Insurance's Motion for Protective Order. Present on behalf of Plaintiffs Otoole is Richard Treon. Present on behalf of the remaining Plaintiffs is Stephen Silverman. Present on behalf of Defendant Safeco is Larry Langley.

Court reporter, Sue Wolf, is present as well as record of the proceedings being made by CD/videotape.

Argument is presented to the Court regarding Plaintiffs' Motion for Partial Summary Judgment Re: Conclusive Effect of Appraisal Awards and Plaintiffs Otoole's joinder thereto.

IT IS ORDERED taking said Motion under advisement.

Argument is presented to the Court regarding Defendants' Motion to Compel Inspection.

For the reasons set forth on the record,

IT IS ORDERED granting Defendants' Motion to Compel Inspection.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-006947

07/28/2006

IT IS FURTHER ORDERED that not later than one week prior to the date scheduled for the inspection, Defendants shall provide to the Plaintiffs the following:

1. A statement describing the scope of the inspections.
2. A list of the attendees.
3. A description of any testing activities to be preformed.
4. A statement as to the methods to be used to record the inspections.
5. The custodians of any recordings or other materials generated as a result of the inspections.

Discussion is held regarding the trial date currently set for this matter.

Based upon the parties' oral stipulation to vacate the 12-day trial currently set for September 25, 2006 and good cause appearing,

IT IS ORDERED vacating the 12-day trial set for September 25, 2006 and resetting same to **January 4, 2007 at 9:30 a.m.**

IT IS FURTHER ORDERED vacating the final pretrial management conference set for September 15, 2006 and resetting same to **December 15, 2006 at 8:30 a.m.**

At the PTMC, counsel who will try the case shall appear and be prepared to discuss and resolve where applicable:

- A. Time limits for *voir dire*, opening statements, witness examinations and closing arguments. Direct examinations shall not exceed 45 minutes in length without leave of court. Cross-examinations shall not exceed 30 minutes in length without leave of court. Redirect examinations shall not exceed 15 minutes in length without leave of court. Opening statements shall not exceed 30 minutes in length per side without leave of court. Closing arguments shall not exceed 1 hour in length per side without leave of court. *Voir dire* shall not exceed 10 minutes per side without leave of court.
- B. Stipulations and objections regarding witnesses and exhibits. If time permits, the court will rule on objections.
- C. Jury instructions, juror notebooks (counsel shall bring any proposed juror notebooks to the conference), mini opening statements, *voir dire* and verdict forms.
- D. Agreed-upon deposition summaries and excerpts from depositions including objections thereto.

07/28/2006

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-006947

07/28/2006

exhibits not set forth in the JPTS shall be deemed waived except for good cause. **At least five judicial days prior to the Final Pretrial Management Conference, counsel or their knowledgeable assistants shall call the division clerk at (602) 372-7734 to discuss procedures for marking exhibits.** Original depositions are provided to the clerk for the record and are not marked as exhibits.

IT IS FURTHER ORDERED all exhibits shall be provided to the division clerk at the time of the Final Pretrial Management Conference, **December 15, 2006.**

Based on the parties' oral stipulation and good cause appearing,

IT IS ORDERED vacating the Oral Argument regarding Defendant Safeco Insurance Company of America's Notice of Motion and Motion for Summary Judgment or Alternatively Motion for Partial Summary Judgment and Request for Award of Attorney Fees, Plaintiffs' Motion to Quash Subpoena Duces Tecum to Dominion Arizona Realty, LLC, Respondent Dominion Arizona Realty, LLC's Objection of Non Party to Subpoena and Motion for Protective Order and to Quash Subpoena, National Insurance Crime Bureau's Motion to Quash Subpoena Duces Tecum, and set for August 11, 2006 to be reset not later than September 28, 2006. This Division's Judicial Assistant shall contact counsel with the new date and time.

LET THE RECORD REFLECT Arizona Department of Insurance's Motion for Protective Order has been resolved.

3:58 p.m. Matter concludes.