

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-010059

03/26/2010

HONORABLE LINDA H. MILES

CLERK OF THE COURT  
L. Crawford  
Deputy

DAVID SPERBER, et al.

SHARON S MOYER

v.

KEN P COLBURN, et al.

ROGER L COHEN

ROGER A GEDDES  
KEITH BIERMAN  
MCA FINANCIAL GROUP LTD  
4909 N 44TH ST  
PHOENIX AZ 85018

MINUTE ENTRY

Courtroom 106

8:47 a.m. This is the time set for telephonic Status Conference. Plaintiffs are represented telephonically by counsel, Adrian Barton, appearing for Sharon S. Moyer. Defendants Ken P. Colburn, Anita J. Colburn, Brandon Disney, Sarah Disney and the Colburn Family Trust are represented telephonically by counsel, Roger L. Cohen. Defendants Data Doctors, Inc., DDDR, Inc. and Data Doctors Franchise Systems, Inc. are neither present, nor represented by counsel.

A recording of this proceeding is being made by audio and/or videotape in lieu of a court reporter.

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The Court notes that Ms. Barton attempted to contact Mr. Geddes by telephone for this Status Conference but was unable to reach him. The Court's Judicial Assistant also attempted to contact Mr. Geddes by telephone three times this morning but reached voicemail all three times and left messages to contact the Court immediately to participate in the telephonic Status Conference. Mr. Geddes did not contact the Court. Mr. Geddes was apprised of this telephonic Status Conference by minute entry dated March 22, 2010. The Court will proceed in Mr. Geddes' absence.

The Court has received and reviewed the parties' Stipulated Motion to Place Matter on Inactive Calendar for 90 Days, filed March 17, 2010.

Discussion commences regarding the parties' Stipulated Motion and the status of the case.

The Court was previously advised that the parties had reached a tentative global settlement, subject to Mr. Cohen's clients obtaining financing. The Court is advised that Mr. Cohen's clients' loan has been approved, the appraisal of all three companies is on-going, and closing on the loan should take place by April 15, 2010.

Discussion commences regarding whether or not the Management Coordinator, Keith Bierman, should continue providing his services in this case.

The Court notes that Judge Trujillo signed an Order on June 6, 2009, which was filed on June 8, 2009, appointing Mr. Bierman as the Management Coordinator and setting forth the Management Coordinator's powers and duties. The parties are advised that unless the Order is vacated, the parties and the Management Coordinator must comply with the Order.

IT IS ORDERED granting the parties' Stipulated Motion to Place Matter on Inactive Calendar for 90 Days, and placing this matter on the Inactive Calendar for dismissal on **June 30, 2010**, unless the Court receives a request to reset this matter for trial or take other action, all in accordance with the formal written Order signed by the Court on March 26, 2010 and filed (entered) by the Clerk on March 26, 2010.

9:00 a.m. Matter concludes.

LATER:

Previously the parties stipulated that Plaintiff may have until March 12, 2010 to respond to Defendants' Motion for Partial Judgment on the Pleadings – Count Two of Third Amended Complaint, filed December 8, 2009, and the Colburn parties' Motion for Partial Summary

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MARICOPA COUNTY

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Judgment on Counts Two, Three and Six of Counterclaim. The Court has not received a response to either Motion. In light of the parties' settlement of all claims, the Court takes no action on these matters.

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