

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2009-034685

04/19/2011

HONORABLE HUGH HEGYI

CLERK OF THE COURT  
K. Ballard  
Deputy

BARRY DUNLAP, et al.

STEVEN GLEN CLARK

v.

CHARLOTTE DUNLAP, et al.

DOUGLAS V DRURY

JAMES E DUNLAP  
5130 E AVALON DR  
PHOENIX AZ 85018  
REAL ESTATE FINANCIAL SERVICES  
L L C  
C/O JAMES E DUNLAP  
5130 E AVALON DR  
PHOENIX AZ 85018  
224 AVE PATTON L L C  
C/O JAMES E DUNLAP  
5130 E AVALON DR  
PHOENIX AZ 85018  
GREGORIO M GARCIA  
ALTERNATIVE DISPUTE  
RESOLUTION - CCC

STATUS CONFERENCE

**Courtroom: ECB-611**

9:19 a.m. This is the time set for Status Conference. Plaintiffs Barry Dunlap and Richard Dunlap are represented (telephonically) by Counsel Steven Glen Clark. Defendant

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Charlotte Dunlap is represented (telephonically) by Counsel Douglas V. Drury. No other party is present or represented.

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

The Court inquires as to the status of the remaining, non-appearing Defendants: James E. Dunlap, 224 Ave. Patton, LLC and Real Estate Financial Services, LLC. Plaintiffs' counsel advises the Court that all Defendants have been served, and Plaintiffs did receive an answer by Mr. Dunlap on behalf of all three Defendants but same does not appear in the Court's record. Plaintiffs' counsel further advises the Court that he relayed to Mr. Dunlap that if a formal answer was not filed with the Court, he would likely pursue default proceedings.

Discussion is held regarding the status of the case. In that regard, Plaintiffs' counsel advises the Court that the parties are waiting for an updated appraisal before continuing their settlement discussions.

**IT IS ORDERED** no later than **June 20, 2011**, Plaintiffs shall ensure that all Defendants have formally filed an answer in this matter or shall have obtained defaults against any non-appearing Defendant. Failure to comply with this order will result in the Court, on its own motion, dismissing Plaintiffs' claims against the non-appearing Defendants.

**IT IS FURTHER ORDERED** no later than **May 4, 2011**, Plaintiffs shall obtain the updated appraisal report and distribute same to all parties in this case.

As it appears the parties participated in a settlement conference prior to all parties appearing in this matter or being defaulted,

**IT IS FURTHER ORDERED** all parties shall participate in a settlement conference no later than **June 20, 2011**.

All counsel and their clients, or non-lawyer representatives who have full and complete authority to settle the case, shall **personally** appear and participate in good faith in the Settlement Conference. Sanctions may be imposed for failure to participate.

**IT IS FURTHER ORDERED** setting a **telephonic** Status Conference on **August 19, 2011 at 10 a.m.** (time allotted: **15 minutes**) for the purpose of setting a trial date. Plaintiffs' counsel shall initiate the conference call to this Division at **602-506-3963**. All persons appearing shall **appear on land lines** and not on cellular phones, and shall not use the speakerphone features of their telephones, in order to maximize all participants' ability to hear and be heard. Additionally, **counsel shall have their calendars available for this proceeding.**

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The Court expects that by the date of the Status Conference the parties will have completed all discovery, filed and briefed all dispositive motions, and will have engaged in a settlement conference with all parties in the case. If counsel cannot comply with this expectation, counsel shall so advise the Court at least one month before the August 19, 2011 Status Conference so that the conference date can be reset.

**NOTE:** All court proceedings are recorded by audio and video method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division (602-506-3963) three (3) court business days before the scheduled hearing.

**IT IS FURTHER ORDERED** that in no less than **five days** prior to the Status Conference set herein, the parties shall submit a joint status report to the Court regarding the history and status of the case and efforts at Alternative Dispute Resolution pursuant to ARCP Rule 16(g).

9:32 a.m. Matter concludes.