

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-003737

06/04/2018

HONORABLE DANIEL J. KILEY

CLERK OF THE COURT
C. Mai
Deputy

TRANSPACIFIC DEVELOPMENT COMPANY, MICHAEL J PONZO
et al.

v.

LEXINGTON INSURANCE COMPANY, et al. TIMOTHY M STRONG

BRET S SHAW
STEVEN G MESAROS
MICHAEL N POLI
DAVID E WARD

ORAL ARGUMENT SET

On March 7, 2018, Plaintiffs Transpacific Development Company *et al.* filed a Motion for Protective Order, seeking an order barring Defendant Lexington Insurance Company ("Lexington") from "depos[ing] members of the appraisal panel in this matter." Plaintiffs' Motion for Protective Order at pp. 1-2. After the Motion for Protective Order was fully briefed, Lexington filed its Notice of Mootness of Plaintiffs' Motion for Protective Order Re Appraisal Panel Depositions ("Notice of Mootness"), stating that it "no longer seeks to depose the members of the appraisal panel," which "renders moot [the] Plaintiffs' Motion for Protective Order." Notice of Mootness at p. 1. Pursuant to the Notice of Mootness, the Court will take no action on the Motion for Protective Order.

The Court is in receipt of the following:

- Motion for Leave to Amend Answer filed by Lexington on March 9, 2018;

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- Response to Defendant Lexington Insurance Company's Motion for Leave to Amend Answer filed by the Plaintiffs on April 17, 2018;
- Reply in Support of Motion for Leave to Amend Answer filed by Lexington on May 9, 2018;
- Joint Motion to Compel Discovery filed by the Defendants on March 22, 2018;
 - Response in Opposition to Motion to Compel filed by the Plaintiffs on May 4, 2018;
 - Reply in Support of Defendants' Joint Motion to Compel Discovery filed by Lexington on May 18, 2018; and
 - Reply in Support of Joint Motion to Compel and Notice of Intent to Seek Sanctions filed by Defendants Rimkus Consulting Group, Inc. and Heidi M. Watton (collectively, "Rimkus") on May 18, 2018.

On the Court's own Motion,

IT IS ORDERED vacating the Trial-Setting Conference set in this matter on July 13, 2018 at 9:00 a.m.

IT IS FURTHER ORDERED setting Oral Argument on the above filings on **July 13, 2018 at 2:00 p.m. (2 hours allotted)** before this Division.

HON. DANIEL J. KILEY
Maricopa County Superior Court
East Court Building
101 West Jefferson Street
9th Floor, Courtroom 911
Phoenix, AZ 85003

The Court is also in receipt of the Motion for Expedited Consideration Re: Their Long-Pending Motion for Summary Judgment filed by Rimkus on May 18, 2018.

IT IS ORDERED setting telephonic Oral Argument on the Motion for Expedited Consideration Re: Their Long-Pending Motion for Summary Judgment on **June 11, 2018** at

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11:00 a.m. (15 minutes allotted) before this Division. Counsel for Rimkus shall initiate the joint conference call to the Court at (602) 372-3839.

NOTE: All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.