

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-003737

12/14/2018

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

BENNETT EVAN COOPER
MICHAEL N POLI
THOMAS P BURKE II
JUDGE KILEY
DAVID A WARD
WARD LAW FIRM
10077 GROGRAN'S MILL RD
SUITE 540
THE WOODLANDS TX 77380

MATTERS TAKEN UNDER ADVISEMENT

Courtroom 911 (ECB)

1:58 p.m. This is the time set for Oral Argument on the following Motions and the related filings:

- Plaintiffs' Motion to Reopen Discovery Regarding Defendant Lexington's Defenses Raised After Close of Discovery, filed October 2, 2018;
- Defendants Rimkus Consulting Group, Inc., and Heidi Watton's Motion for Attorney Fees, filed September 19, 2018; and

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- Defendants Rimkus Consulting Group., and Heidi Watton's Motion for Rule 11 Sanctions, filed October 9, 2018.

Plaintiffs are represented by counsel, Michael Poli. Defendant Lexington Insurance Company ("Defendant Lexington") is represented by counsel, Bennett Evan Cooper and Timothy M. Strong. Defendants Rimkus Consulting Group Inc. and Heidi M. Watton ("Rimkus Defendants") are represented by counsel, Bret S. Shaw and Thomas P. Burke, II. Counsel David A. Ward (Pro Hac Vice) is also telephonically present on behalf of the Rimkus Defendants.

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

Argument is presented on Plaintiffs' Motion to Reopen Discovery Regarding Defendant Lexington's Defenses Raised After Close of Discovery filed October 2, 2018.

Based upon the matters presented,

IT IS ORDERED granting in part and denying in part the Motion to Reopen Discovery Regarding Defendant Lexington's Defenses Raised After Close of Discovery. The Motion is denied with respect to the Plaintiffs' request to re-open discovery to allow them to depose Lexington's appraiser. The Motion is granted with respect to the Plaintiff's request to conduct discovery into prior instances in which Lexington asserted its statute of limitations defense in cases under Arizona law, and denied with respect to the Plaintiff's request to conduct such discovery about cases not under Arizona law. The Motion is granted with respect to the Plaintiffs' request to conduct a Rule 30(b)(6) deposition of Lexington with respect to the alleged bias of Lexington's appraiser and whether it is appropriate for a party's appraiser to act as an advocate. The Motion is granted with respect to the Plaintiffs' request to take discovery with respect to whether, at the time of policy issuance, Lexington had an understanding about whether the FAA and its limitations provision applied to the appraisal provision of the policy.

Argument is presented on Defendants Rimkus Consulting Group, Inc., and Heidi Watton's Motion for Attorney Fees, filed September 19, 2018 and Defendants Rimkus Consulting Group., and Heidi Watton's Motion for Rule 11 Sanctions, filed October 9, 2018.

Based upon the matters presented,

IT IS FURTHER ORDERED taking Defendants Rimkus Consulting Group, Inc., and Heidi Watton's Motion for Attorney Fees under advisement.

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IT IS FURTHER ORDERED taking Defendants Rimkus Consulting Group., and Heidi Watton's Motion for Rule 11 Sanctions under advisement.

4:34 p.m. Matter concludes.