

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-013050

07/16/2010

HONORABLE LINDA H. MILES

CLERK OF THE COURT
L. Crawford
Deputy

MERIDIAN BANK N A

BRIAN M BERGIN

v.

AARON J ZEESE, et al.

PAUL SALA

MINUTE ENTRY

Courtroom 106

10:30 a.m. This is the time set for telephonic Status Conference and Oral Argument regarding Plaintiff's Motion to Strike/Motion in Limine re: Defendants' Proposed Expert Testimony, filed May 6, 2010. Appearing telephonically on behalf of Plaintiff is counsel, Brian M. Bergin and Kelley Gorry. Appearing telephonically on behalf of Defendants Barry L. Zeese and Candy J. Zeese is counsel, Paul Sala.

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

The Court is advised that the parties have resolved the matter, pending the bank's acceptance of the settlement offer. Counsel agree that they need a couple of weeks to obtain official approval from the Board of Directors of the bank. Discussion is held regarding same.

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Defendants' counsel represents that it will not be necessary for oral argument to be heard on Plaintiff's Motion to Strike/Motion in Limine re: Defendant's Proposed Expert Testimony even if the matter does not settle. The Defendants have determined that it is not in their best interests to hire an appraiser and have him/her complete an appraisal to pursue the issue. Defendants will not be contesting the valuation set forth by the bank.

Pursuant to the parties' stipulation,

IT IS ORDERED granting Plaintiff's Motion to Strike/Motion in Limine re: Defendants' Proposed Expert Testimony.

IT IS FURTHER ORDERED setting a telephonic status conference on **September 17, 2010 at 2:30 p.m.** (time allotted: 15 minutes) to address the status of the parties' settlement efforts and to assign a trial date if appropriate.

**HONORABLE LINDA H. MILES
MARICOPA COUNTY SUPERIOR COURT
NORTHEAST REGIONAL COURT CENTER
18380 N. 40TH STREET
COURTROOM 106
PHOENIX, ARIZONA 85032
(602) 506-6452**

NOTE: Plaintiff shall be responsible for initiating the conference call by calling this Division at **602-506-6452** with all participating parties and counsel on the line at the date and time specified above. Telephonic appearances shall be made from a LANDLINE and **NOT** a cellular phone.

COUNSEL PARTICIPATING IN THE CONFERENCE CALL SHALL BE KNOWLEDGEABLE ABOUT THE CASE AND ITS STATUS, AND SHALL HAVE AUTHORITY TO MAKE DECISIONS ABOUT SCHEDULING AND OTHER MATTERS RELATED TO THE CASE.

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 containing a brief history of the case, the status of discovery, any outstanding discovery disputes, and the status of the parties' settlement efforts.

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DISCOVERY DISPUTES: Should any discovery dispute arise, any party seeking a discovery order shall, prior to filing a discovery motion, meet and confer pursuant to ARCP, Rule 37(a)(2)(C). Counsel are advised that, as the Court interprets Rule 37(a)(2)(C), an exchange of correspondence between counsel is **not** sufficient to satisfy the “personal consultation” requirement of the Rule, except in extraordinary circumstances. At a minimum, counsel must speak to each other by telephone to attempt to resolve the dispute in good faith before involving the Court. Counsel are further advised that after the personal consultation referenced above, the Court is available to discuss, by joint telephone call, discovery disputes or any other matter that may impact the parties’ ability to resolve this case in a just, speedy and inexpensive manner. See Rule 1, ARCP.

10:34 a.m. Matter concludes.

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