

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-025563

10/29/2010

HONORABLE HUGH HEGYI

CLERK OF THE COURT
K. Ballard
Deputy

RICHARD J RONCO

JOHN L DILLINGHAM

v.

BRUCE A FRIEDMAN

HENRY M STEIN

HEARING RESET

Courtroom: ECB-611

10:02 a.m. This is the time set for Status Conference. Plaintiff/Counterdefendants are represented (telephonically) by Counsel John L. Dillingham. Defendant/Counterclaimants are represented (telephonically) by Counsel Henry M. Stein.

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

Discussion is held regarding the status of discovery, the parties' readiness for the evidentiary hearing set for November 12, 2010, the necessity of expanding the length of the evidentiary hearing, and the scope of the hearing.

Based on the parties' Stipulated Temporary Restraining Order, signed by the Court on September 9, 2010 and entered by the clerk on September 10, 2010, the November 12, 2010 evidentiary hearing will cover both the \$210,000 issue and Counterclaimants' Motion to Appoint Bruce Friedman as the Member in Charge of Winding up the Business.

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The parties indicate they are in agreement that dissolution of the company is appropriate; however, the parties are in disagreement as to the form of order dissolving the business.

On the parties' agreement, the parties will attempt to stipulate to a form of order simply dissolving the business, reserving for the evidentiary hearing to be conducted on November 12, 2010, the question of how the affairs should be wound down.

IT IS ORDERED affirming the time previously set on November 12, 2010 for this evidentiary hearing, with time now set aside for the hearing to continue on November 16, 2010 from 10 a.m. to 3:30 p.m.

Discussion is held regarding Plaintiff's request for Mr. Conrad's appraisal report and the scope of the evidence with respect to the \$210,000 issue.

IT IS ORDERED Defendant shall provide a copy of Mr. Conrad's appraisal report to Plaintiff no later than **5 p.m. on November 9, 2010**.

IT IS FURTHER ORDERED denying Plaintiff's implied request to limit the scope of the evidence with respect to the \$210,000 transaction.

IT IS FURTHER ORDERED vacating the evidentiary hearing set for November 12, 2010 and November 16, 2010.

IT IS FURTHER ORDERED resetting the Evidentiary Hearing re: Defendant's Application for Preliminary Injunction (as it relates to the \$210,000 transaction) and the issues relating to the winding up of the business for **November 17, 2010 from 10:30 a.m. to 4:30 p.m.** and continuing on **November 19, 2010 from 1:30 p.m. to 4:30 p.m.**, if necessary, in this Division. The available time will be divided equally between the parties. Counsel and the parties, if representing themselves, are to appear in person before:

**THE HONORABLE HUGH E. HEGYI
MARICOPA COUNTY SUPERIOR COURT
EAST COURT BUILDING
101 W. JEFFERSON
6TH FLOOR, COURTROOM 611
PHOENIX, AZ 85003
602-506-3963 TEL
602-372-8636 FAX**

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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.

Defendant's counsel objects to Plaintiff's notices of deposition as they relate to non-parties Brian Gray and Byron Ashley. With regard to Mr. Ashley, Plaintiff's counsel advises the Court that Mr. Ashley has agreed to meet with counsel informally; therefore that notice will be withdrawn.

The Court will allow Mr. Gray to be deposed in this matter. The deposition shall be limited to one hour.

The parties having indicated that the exhibits previously presented to the clerk for marking may change substantially, and on the parties' agreement,

IT IS ORDERED permitting the parties to withdraw their previous lists of witnesses and exhibits.

IT IS FURTHER ORDERED the parties shall make arrangements to retrieve the exhibits previously delivered to this Division.

IT IS FURTHER ORDERED the parties shall deliver all hearing exhibits to the courtroom clerk for marking no later than **11 a.m. on November 12, 2010**.

With regard to the presentation of exhibits for the hearing, counsel shall also provide the courtroom clerk **with a list of brief descriptions corresponding to the exhibits** at the time the exhibits are delivered to the clerk. Counsel shall meet and confer prior to that time to exchange exhibits and remove any duplicates prior to delivering the exhibits to the clerk for marking. The exhibits will be marked **numerically** and serially with Plaintiff's exhibits being marked first and then Defendant's. The exhibits should not contain lettered subparts. Should an exhibit consist of multiple pages, it shall be securely fastened with a staple or two-prong ACCO-type fastener.

The exhibits presented to the clerk should not be placed in a three-ring notebook. However, counsel are asked to provide the Court with a **joint** notebook containing a complete copy of all exhibits for the Court's use throughout the hearing. If you have any questions regarding the marking of exhibits, please contact the courtroom clerk directly at 602-506-8593.

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IT IS FURTHER ORDERED setting this matter for a Pre-hearing Conference on **November 12, 2010 at 11 a.m.** (time allotted: **one hour**) in this Division. The parties shall appear **in person** for this conference.

11:12 a.m. Matter concludes.