

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-017245

08/18/2011

HONORABLE ARTHUR T. ANDERSON

CLERK OF THE COURT
L. Nixon
Deputy

ARIZONA BANK & TRUST

SCOTT B COHEN

v.

JOEL A LINDGREN, et al.

ADAM B DECKER

DENISE H TROY

MINUTE ENTRY

9:32 a.m. This is the time set for Oral Argument. Plaintiff, Arizona Bank & Trust is represented by counsel, Scott W. Hulbert for Scott B. Cohen. Defendant, Joel A. Lindgren is telephonically present and represented by counsel, Adam B. Decker, who also represents Defendant, Lavinia C. Lindgren.

Court Reporter, Mike Benitez, is present and a record of the proceedings is made by audio and/or videotape.

Argument is heard regarding Defendants' Motion for Summary Judgment.

Defense counsel argued that because Plaintiff allowed the case to be dismissed and failed to properly serve Defendants, it should not have been reinstated; and further argues that the appraisal used regarding the deficiency of this property is not an accurate assessment of the property and that no deficiency exists. Plaintiff's counsel disagrees, stating it used good faith in locating Defendants and that the Court's Order granting reinstatement filed on February 24, 2010, was appropriate. Plaintiff's counsel maintains the position that the appraisal was unbiased and an accurate assessment for the property at the time the trustee's sale was held.

IT IS ORDERED taking this Motion under advisement.

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Discussion is held regarding future scheduling and the following deadlines are established:

December 2, 2011 - ALL discovery including depositions and written discovery shall be completed.

IT IS FURTHER ORDERED setting a Final Trial Management Conference in this matter on **December 9, 2011, at 2:00 p.m. (30 min.)** in this division. Counsel who will try this case shall appear in person at the Final Pre-Trial Conference.

IT IS FURTHER ORDERED setting this matter for a 1-day Trial to the Court for **December 19, 2011, at 10:00 a.m.** in this division.

**THIS IS A FIRM TRIAL SETTING
NO CONTINUANCE SHALL BE GRANTED**

Trial days are normally 10:00 a.m. to 4:30 p.m., Monday through Thursday.

Because this is a trial to the bench, no motions in limine shall be filed. Counsel may, if they choose, file trial memoranda no later than **one week** before the trial date. Any party that wants to respond to the legal memoranda may file a response no later than **one day** before the trial date.

A joint pretrial statement (JPTS) prepared in accordance with Rule 16(d) is **due 5 judicial days prior to the Final Trial Management Conference.**

All exhibits shall be exchanged 30 days before trial. Counsel shall confer regarding exhibits so duplicates are avoided and list any stipulations to those exhibits which can be received in evidence. At least **ten days** before trial, counsel or their knowledgeable assistants, shall call the division clerk at (602) 372-3186 to obtain written procedures for marking exhibits. At least **one week** before trial, counsel shall submit all exhibits to the clerk of the division for marking. Original depositions are provided to the clerk for the record and not marked as exhibits.

To facilitate the court's ability to rule on disclosure objections, on the morning of the first day of trial, each party shall deliver to the court a copy of all disclosure statements that have been sent to the other parties. All responses to non-disclosure objections will require the offering party to state the date, page and line number of the disclosure statement or other place where the disputed evidence was disclosed.

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10:10 a.m. Hearing concludes.

ALERT: eFiling through AZTurboCourt.gov is mandatory in civil cases for attorney-filed documents effective May 1, 2011. See Arizona Supreme Court Administrative Orders 2010-117 and 2011-010. The Court may impose sanctions against counsel to ensure compliance with this requirement after May 1, 2011.