

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-003594

10/10/2014

HONORABLE PATRICIA ANN STARR

CLERK OF THE COURT
S. Brown
Deputy

ARNOLD FAMILY TRUST

BRIAN R WARNOCK

v.

LIBERTY MUTUAL INSURANCE COMPANY, JAMIE L HALAVAIS
et al.

MINUTE ENTRY

Plaintiff Arnold Family Trust (“Arnold Trust”) filed a Motion to Appoint Arbitrator and Compel Arbitration on August 19, 2014, to which Defendant Liberty Insurance Corporation (“Liberty”) responded on September 15, 2014. Arnold Trust did not file a Reply.

Arnold Trust seeks appointed of an arbitrator to serve with its appraiser in an insurance appraisal proceeding, and an order compelling arbitration. (Motion at 1.) Liberty asserted that the motion deals with a claim that is not part of the lawsuit, and in any event, because the parties have no dispute about the amount of loss, an appraisal is neither appropriate nor required under the insurance policy at issue. (Response at 3.)

After reviewing the papers and exhibits, the Court agrees with Liberty that the insurance policy authorizes an appraisal panel only to decide amount of loss. Because the parties have no disagreement on that issue, there is no need for an appraisal panel, and thus no need and no authority for this Court to appoint an appraiser.

IT IS ORDERED denying Plaintiff’s Motion to Appoint Arbitrator and Compel Arbitration.

IT IS FURTHER ORDERED denying Plaintiff’s request for attorneys’ fees and costs.