

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-003737

01/08/2019

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

DAVID A WARD JR.
BRET S SHAW
THOMAS P BURKE II
MICHAEL N POLI
BENNETT EVAN COOPER
JUDGE KILEY

ORAL ARGUMENT SET

The Court is in receipt of the following:

- Motion for Partial Summary Judgment Re: Interpretation and Application of “Like Kind and Quality” Provision in Subject Insurance Policy filed by Plaintiffs Transpacific Development Company *et al.* on June 15, 2018;
 - Statement of Facts in Support of Plaintiffs’ Motion for Partial Summary Judgment Re: Interpretation and Application of “Like Kind and Quality” Provision in Subject Insurance Policy filed by Plaintiffs on June 15, 2018;
 - Response to Plaintiffs’ Motion for Partial Summary Judgment Re: Interpretation and Application of “Like Kind and Quality” Provision in

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Subject Insurance Policy filed by Defendant Lexington Insurance Company (“Lexington”) on September 18, 2018;

- Controverting and Additional Statements of Fact in Opposition to Plaintiffs’ Motion for Partial Summary Judgment Re: Interpretation and Application of “Like Kind and Quality” Provision in Subject Insurance Policy filed by Lexington on September 18, 2018;
- Reply in Support of Motion for Partial Summary Judgment Re: Interpretation and Application of “Like Kind and Quality” Provision in Subject Insurance Policy filed by Plaintiffs on December 24, 2018;
- Motion for Partial Summary Judgment No. 1 Re: Binding Appraisal Award filed by Lexington on September 18, 2018;
 - Statement of Facts in Support of Its Motion for Partial Summary Judgment No. 1 Re: Binding Appraisal Award filed by Lexington on September 18, 2018;
 - Response in Opposition to Lexington’s Motion for Partial Summary Judgment No. 1 Re: Binding Appraisal Award filed by Plaintiffs on December 24, 2018;
 - Controverting Statement of Facts in Support of Plaintiffs’ Response to Defendant Lexington Insurance Company’s Motion for Partial Summary Judgment No. 1 Re: Binding Appraisal Award and No. 2 Re: Statute of Limitations filed by Plaintiffs on December 24, 2018;
- Motion for Partial Summary Judgment No. 2 Re: Statute of Limitations filed by Lexington on September 18, 2018;
 - Statement of Facts in Support of Its Motion for Partial Summary Judgment No. 2 Re: Statute of Limitations filed by Lexington on September 18, 2018; and
 - Response to Defendant Lexington Insurance Company’s Motion for Partial Summary Judgment No. 2 Re: Statute of Limitations filed by Plaintiffs on December 24, 2018.

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IT IS ORDERED setting Oral Argument on the above filings, and any replies filed by Lexington in support of its Motions for Partial Summary Judgment, on **March 20, 2019 at 9:30 a.m. (90 minutes allotted)** before this Division.

HON. DANIEL J. KILEY
Maricopa County Superior Court
East Court Building
101 West Jefferson Street
9th Floor, Courtroom 911
Phoenix, AZ 85003

NOTE: All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.