

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2001-009143

07/22/2003

HONORABLE ROBERT L. GOTTSFIELD

CLERK OF THE COURT
M. Johnson
Deputy

FILED: 07/25/2003

TIM R MOMAN, et al.

MICHAEL P ANTHONY

v.

MARK J HANNEKEN, et al.

MICHAEL W CARNAHAN

MICHAEL J CHILDERS
VICTORIA L ORZE
DARRELL S DUDZIK
ACS ENGINEERING GROUP LC
C/O STEVEN W BLECK
515 S ROCKFORD DR
TEMPE AZ 85281
RINA K RAI
RONALD W MESSERLY
RICHARD A SEGAL
ALLISON K SHULMAN

MINUTE ENTRY

9:07 a.m. This is the time of hearing various motions. Counsel Travis Hill and co-counsel Michael P. Anthony are present on behalf of plaintiff. Counsel Michael W. Carnahan is present on behalf of defendant Hanneken. Counsel Ronald Messerly is present on behalf of defendants Rosendahl and Rosendahl & Associates. Counsel Joe Rudd is present on behalf of defendants Mark's Valley Grading and Bell Concrete, Inc.. Counsel Richard Segal waives his appearance for defendant ACS Engineering Group. Counsel Allison Shulman is present on behalf of defendant Swaback Associates and Swaback Partners. Counsel Victoria Orze and co-counsel Darrell Dudzik are present on behalf of defendant Todd Curtis Construction/Custom Homes.

Court Reporter Lorraine Chalkey is present.

After extended argument,

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The court orders as follows:

1. Granting defendant Curtis Construction/Custom Homes' motion to compel entry upon land (joined by defendant Hanneken/Swaback) and granting defendant Hanneken's request for inspection of property by real estate appraiser and broker (to determine any diminution of resale value) which motions are similar.
2. Taking under advisement Curtis/Custom Homes' motion for leave to amend answer (to add cross-claims against Swaback).
3. Defendant Hanneken motion for inspection (to let three more licensed general contractors other than Porter make estimates) is moot according to the parties.
4. Denying plaintiffs' objection to designation of experts after deadlines for reasons as stated by the court at the argument. Zimmerman, (393 A.A.R. 27, 62 P.3d 976). Continuing plaintiffs' motion to compel defendant Hanneken's compliance with order of February 18, 2003 until Mr. Porter can be on the telephone which hearing is continued to **8:00 a.m. Friday July 25, 2003**. Also at the hearing firm deadlines will be set now that the trial date is firm on October 27, 2003 (9:30 a.m.–12 days jury).

9:47 a.m. Matter concludes.

LATER:

After further consideration the court now grants Curtis/Custom Homes motion for leave to amend answer to second amended complaint to include cross-claims against various entities/persons including Swaback, for reasons as stated by Curtis in its motion. This is without prejudice to any motions on substantive issues dealing with said cross claims.

IT IS FURTHER ORDERED approving, signing, filing order re leave to amend answer this date.