

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-015090

11/10/2004

HONORABLE REBECCA A. ALBRECHT

CLERK OF THE COURT
K. Ballard
Deputy

FILED: 11/11/2004

ANTHONY BAROUD, et al.

SCOTT M HARRIS

v.

NATALIE CALLAHAN

SCOTT A ALLES

MATTER TO BE TAKEN UNDER ADVISEMENT

This is the date and time set for Oral Argument re: Defendants' Motion for Summary Judgment re: Plaintiffs' Remaining Claim, Diminution of Value. Counsel for Plaintiffs has not appeared.

IT IS ORDERED vacating Oral Argument set this date.

IT IS FURTHER ORDERED Plaintiffs' counsel, having failed to appear and having failed to notify the Court of any need to reset this matter, shall pay as a sanction the reasonable attorney's fees incurred by counsel for the Defendant for appearing for this hearing. Counsel for Defendant shall submit his Application for Attorney's Fees incurred on or before the date set for Trial, **December 16, 2004**. Should counsel fail to submit the application, the Court will understand that he is not seeking further sanction.

IT IS ORDERED granting the Defendant leave to file a supplemental affidavit in support of the Motion for Summary Judgment. Said affidavit shall be filed on or before **November 20, 2004**; thereafter, the motion will be taken under advisement.

The Court has been advised by counsel for the Defendant that there is some concern with regard to the settlement of the personal injury portion of this litigation with relation to signatures on an agreed-upon release. If the matter has not been resolved, the Court will discuss these concerns at the Pretrial Management Conference set in this matter for **December 10, 2004 at 8:30 a.m.** in this division.