

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-011388

05/20/2005

JUDGE PENDLETON GAINES

CLERK OF THE COURT  
W. Bobrowski  
Deputy

FILED: 05/24/2005

MARK A HOFFMAN, et al.

ROBERT E BARRY II

v.

SHEA HOMES LIMITED PARTNERSHIP, et al. JILL ANN HERMAN

F ROBERT CONNELLY II  
RINA K RAI  
RICHARD A SEGAL  
JOHN J BELANGER  
M DUNCAN SCOTT  
TERESA HAYASHI WALES  
KATHRYN L LEONARD  
PAUL W HOLLOWAY  
KRISTA LEE FLETCHER

STATUS CONFERENCES SET;  
SCHEDULING ORDER ENTERED

9:00 a.m. This is the time set for Case Management Conference. Plaintiffs are represented by counsel, Robert Barry. Defendant Shea Homes is represented by counsel, Jill Ann Herman and Suzette Doody. Sharp Drywall is represented by counsel, John Belanger and Paul Holloway. American Grading is represented by counsel, Krista Fletcher. Whitton Plumbing is represented by counsel, Matthew Nicely, who appears on behalf of Robert Connelly. Riggs Plumbing is represented by counsel, Kathryn Leonard. Younger Brothers and Mesa Verde Concrete are represented by counsel, Richard Segal. Chas Roberts Air Conditioning and Mesa Fully Formed are represented by counsel, M. Duncan Scott. Poco Verde Nursery is represented by counsel, Teresa Wales. S.M. Tile, Mesa Fully Formed, Whitton Plumbing, Poco Verde Nursery and R.C. Cabinets are represented by counsel, Rina Rai.

Court Reporter, Debbie Croci, is present.

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The Court has reviewed the parties' Joint Scheduling Memorandum, filed on May 18, 2005, and the procedural history of this 23-month-old case. The case was apparently filed as a class action, although no motion to certify the class has been yet filed. The Court will, therefore, treat the case as one involving only three homeowners and will enter the following scheduling order.

IT IS HEREBY ORDERED:

1. Plaintiffs' disclosures. By order of December 1, 2004, plaintiffs have made their "final and specific" disclosures of defects on January 17, 2005. Plaintiffs will make their "final and specific" cost of repair and diminution in value claims not later than July 15, 2005.
2. Defendants' disclosures. Defendants will make their final expert disclosures on all issues not later than September 15, 2005. According to the Court's order of December 1, 2004, defendants made their apportionments of responsibility to subcontractors by February 28, 2005.
3. Third-party defendants' disclosures. All third-party defendants will make their final and binding expert witness disclosures not later than November 15, 2005.
4. Non-expert disclosures. Non-expert witnesses and exhibits will be disclosed seasonably according to the requirements of Rule 26.1 and may not be supplemented after November 15, 2005.
5. Discovery completion. All discovery in this case will be concluded not later than January 31, 2006.
6. Mediation plan. The Court adopts the parties' agreement to retain Christopher B. Skelly, Esq. as mediator in this case and directs that, at the initiative of plaintiffs' counsel, all counsel contact Mr. Skelly immediately, and in no event later than May 27, 2005, to arrange and conduct an initial mediation session and develop a specific proposal and/or plan for further sessions.
7. The Court directs that no party may file an issue or case dispositive motion without specific leave of court. This order does not preclude the plaintiffs from filing a motion for class certification.
8. The parties will notify the court immediately by telephone or brief letter regarding any discovery or disclosure disputes. The Court will determine how and under what circumstances (including the appointment of a discovery referee) any such disputes will be determined.

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9. The Court's order of December 1, 2004, that the parties may conduct discovery (to include visual inspections and destructive testing and inspections under such circumstances as the parties may agree) may continue.
10. The Court sets Status Conferences (15 minutes by telephone; plaintiffs' counsel to initiate the calls) on **August 11, 2005 at 9:00 a.m., November 17, 2005 at 9:00 a.m.** and **February 8, 2006 at 9:00 a.m.** At the initiative of plaintiffs' counsel, a joint report will be participated in and lodged with the court not later than ten days before each status conference addressing the parties' compliance with this order and any other matters which counsel wish to address.

9:11 a.m. Hearing concludes.