

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2002-024016

12/10/2004

JUDGE PENDLETON GAINES

CLERK OF THE COURT
W. Bobrowski
Deputy

FILED: 12/14/2004

THOMAS ARENDT, et al.

ROBERT E BARRY II

v.

HACIENDA BUILDERS INC, et al.

ROGER W STRASSBURG JR.

W LLOYD BENNER
DOUGLAS A TOLENO
ANDREW PESHEK
JAMES M SHINN
WENDY N WEIGAND
SHANNON J GRYNKEWICH
PAUL S KULAR
ERIC M BOURGET

JUDGMENT OF DISMISSAL (PARTIAL)

9:03 a.m. This is the time set for Status Conference and Oral Argument on Hacienda's Motion for Summary Judgment Re: Economic Waste and Diminution in Value and Defendant Burrow Concrete's Motion for Protective Order. Plaintiffs are represented by counsel, Robert Barry. Defendant Hacienda Builders is represented by counsel, Roger Strassburg and Shannon Grynkewich. Burrows Concrete is represented by counsel, Paul Kular and Eric Bourget. BH Drywall is represented by counsel, Wendy Weigand. Abbey Landscaping is represented by counsel, James Shinn. Top Quality Masonry, Chas Roberts and Door Sales are represented by counsel, Andrew Peshek. Short's Grading is represented by counsel, W. Lloyd Benner. Short's, Phelps and Hacienda Drywall are represented by counsel, Doug Toleno.

Court Reporter, Michael Vacca, is present.

Arguments are heard.

IT IS ORDERED as follows:

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1. The Cross-Motions for Summary Judgment Re: Economic Waste and Diminution in Value are denied.
2. Hacienda's Motion for Additional Testing of Plaintiffs' Homes is denied.
3. Burrow Concrete's Motion for Protective Order is granted.
4. The Court sets a Continued Pretrial Conference on **February 22, 2005 at 9:00 a.m.** in this division. At the initiative of Mr. Strassburg, counsel are directed to meet and confer and submit a joint report to the Court not later than February 15, 2005, that details counsel's requests for the order of trial, and the time required for the presentation of each party's case.
5. Counsel will meet and confer and schedule an additional mediation session before Mr. Polsky. All Plaintiffs will be personally present. Counsel will confer on the necessity of carriers for third-party defendants being present.
6. The third-party complaint is dismissed with prejudice as to Third-Party Defendants Top Quality Masonry, Chas Roberts and Door Sales.

9:29 a.m. Hearing concludes.

DATED: December 10, 2004

/S/ JUDGE PENDLETON GAINES

PENDLETON GAINES
JUDGE OF THE SUPERIOR COURT