

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2002-021598

02/03/2005

JUDGE PENDLETON GAINES

CLERK OF THE COURT
W. Bobrowski
Deputy

FILED: 02/07/2005

LUZ FUENZALIDA

RICHARD T TREON

v.

FIREMANS FUND INSURANCE COMPANIES, NATHAN D MEYER
et al.

DANIEL B TREON
TIMOTHY G KASPAREK

HEARING HELD

11:34 a.m. This is the time set for Telephonic Conference Re: Plaintiffs' Motion to Extend Discovery Deadline for One Expert Witness and Protective Order Re: Depositions. Plaintiffs are represented by counsel, Daniel Treon. Defendant AIC is represented by counsel, Nathan Meyer. Defendant Servpro is represented by counsel, Tim Kasperek.

Court Reporter, Michael Vacca, is present.

IT IS ORDERED as follows:

1. The Plaintiffs' request to extend the disclosure date for one expert witness, Mr. Charles Miller, is granted and the disclosure date is extended to February 10, 2005 per request. If Mr. Miller's report and opinions are not fully and completely disclosed by February 10, 2005, they will be excluded.
2. Plaintiffs have agreed and the Court orders that Mr. Bentley, the appraiser, will not be a witness and Defendants will not take Mr. Bentley's deposition.
3. Plaintiffs' motion for protective order is denied. The public adjustor's deposition may be taken.

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4. As to Defendants' cross-motion to compel, the Court notes Mr. Treon's agreement on page 6 of his reply memorandum to "gladly" provide a comprehensive disclosure statement by February 17, 2005.
5. The Court notes that the time frame between the disclosure of Plaintiffs' rebuttal experts and the discovery cutoff is two weeks or less which as Mr. Kasparek points out, too tight of a window. Counsel are encouraged to agree on an appropriate mechanism for extending the discovery deadline, and the Court will address the issue further at the Interim Status Conference set for April 14, 2005.

11:43 a.m. Hearing concludes.