

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-014948

02/02/2009

HON. ROBERT H. OBERBILLIG

CLERK OF THE COURT  
A. Marquis  
Deputy

COBIZ BANK

DAVID E FUNKHOUSER III

v.

C F HOMES L L C, et al.

GREGG CLARKE GIBBONS

**BENCH TRIAL RESET**

Courtroom 202 - OCH

10:23 a.m. This is the time set for a Telephonic Hearing re: Defendants' Motion For Consolidation of Actions and Defendants' Expedited Motion to Strike Plaintiff's Expert. Present on the conference telephone: Plaintiff's counsel, David E. Funkhouser and defense counsel, Gregg C. Gibbons.

A recording of this proceeding is made by CD (FTR) in lieu of a court reporter.

Discussion is held regarding Defendants' Motion For Consolidation of Actions and Plaintiff's objection thereto.

For the reasons set forth on the record,

**IT IS ORDERED** denying Defendants' Motion For Consolidation of Actions, at this time.

Further discussion is held regarding Defendants' Expedited Motion to Strike Plaintiff's Expert.

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For the reasons set forth on the record,

**IT IS ORDERED** denying Defendants' Expedited Motion to Strike Plaintiff's Expert.

**IT IS FURTHER ORDERED** that Plaintiff provide an internal wall between the real estate appraisal expert that Defendant consulted with and the appraisal expert Plaintiff has retained. Neither expert shall communicate with the other regarding their findings in this matter.

**IT IS FURTHER ORDERED** that Defendants are permitted to retain their own appraisal expert and provide Plaintiff with a report by March 19, 2009.

Accordingly,

**IT IS ORDERED** vacating the One-Day Bench Trial regarding "fair market value" set on February 23, 2009 and resetting same to April 17, 2009 at 9:00 a.m., in this division.

10:41 a.m. Matter concludes.