

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-015333

02/18/2016

HONORABLE DAWN M. BERGIN

CLERK OF THE COURT  
C. EWELL  
Deputy

DESERT MOUNTAIN CLUB INC

CHRISTOPHER L CALLAHAN  
THERESA DWYER

v.

ERIC GRAHAM, et al.

DARYL M WILLIAMS

**STATUS CONFERENCE SET**

East Court Building – Courtroom 713

10:02 a.m. This is the time set for Oral Argument on Plaintiff's Application for Attorneys' Fees and Costs, Plaintiff's Motion for Entry of Rule 54(b) Judgment, and Plaintiff's Motion to Enforce Settlement Agreement. Plaintiff, Desert Mountain Club Inc. is represented by counsel, Christopher Callahan and Theresa Dwyer-Federhar. Defendants, \_\_\_\_\_ and \_\_\_\_\_ are present on their own behalf. Counsel, Mike Blare, is present on behalf of Defendants Eric Graham, Rhona Graham, Thomas Clark and Barbara Clark.

Court reporter Marla Arnold is present.

A record of the proceedings is also made by audio and/or videotape.

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The Court has reviewed Defendants' Motion to Strike Declaration of Christopher Callahan in Support of Plaintiff's Reply in Support of Application for Attorneys' Fees and Costs.

For the reasons set forth on the record,

**IT IS ORDERED** denying the Motion to Strike.

Oral argument is presented on Plaintiff's Application for Attorneys' Fees and Costs, Plaintiff's Motion for Entry of Rule 54(b) Judgment, and Plaintiff's Motion to Enforce Settlement Agreement.

The Court reviews the terms of the Settlement Agreement with the . Mr. asks whether Plaintiff would agree to a payment plan. Mr. Callahan agrees to consult with his client.

**IT IS ORDERED** that no later than **March 3, 2016**, the shall send an email to Mr. Callahan, copying both Mr. Blare and the division judicial assistant, Susan Whitaker, (whitakers@superiorcourt.maricopa.gov), outlining a proposal including the amount of payment and payment terms.

Discussion is held on Plaintiff's Motion for Entry of Rule 54(b) Judgment.

**IT IS ORDERED** holding in abeyance the Court's ruling on Plaintiff's Application for Attorneys' Fees and Costs, Plaintiff's Motion for Entry of Rule 54(b) Judgment and Plaintiff's Motion to Enforce Settlement Agreement pending the outcome of the parties' negotiations or upon receiving a notice from Plaintiff that there will not be a settlement.

**IT IS FURTHER ORDERED** setting a Telephonic Status Conference to check on the status of the settlement negotiations on **March 21, 2016 at 9:00 a.m. (15 minutes)**

**THE HONORABLE DAWN BERGIN  
MARICOPA COUNTY SUPERIOR COURT  
EAST COURT BUILDING  
101 W JEFFERSON  
7<sup>TH</sup> FLOOR, COURTROOM 713  
PHOENIX, AZ 85003  
602-372-2961 TEL**

**Plaintiff** shall initiate the conference call.

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***NOTE: Counsel shall be available for the conference call on a telephone land line and not on cellular phones, in order to maximize all participants' ability to hear and be heard.***

**NOTE:** All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

11:38 a.m. Matter concludes.