

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-005321

12/19/2012

HON. RANDALL H. WARNER

CLERK OF THE COURT
K. Ballard
Deputy

CHARTIS PROPERTY CASUALTY COMPANY ALYSSA J. ENDELMAN

v.

SHARRI BRAZZEL, et al.

LARRY D LANGLEY

ORAL ARGUMENT RESET

Before the court is Defendant Delareto's December 19, 2012 Motion to Continue Oral Argument and Plaintiff's response. On the one hand, this oral argument has been scheduled for several weeks, as apparently has Defense counsel's vacation, yet the Motion comes just two days before oral argument. Thus, Plaintiff's point about late notice and about obtaining prompt resolution of the pending motions is well taken.

On the other hand, the court can appreciate the pickle that Defense counsel is in. As sometimes happens in the busy holiday season, calendar conflicts can go unnoticed until a pointed reminder comes from one's spouse or other family member. Moreover, in retrospect the court concedes that it may have been Scrooge-like (and detrimental to the national retail economy) to schedule oral argument at 3:00 p.m. on the Friday before Christmas.

To balance these competing considerations, the court will leave the oral argument in place, but reset it as a telephonic argument.

It may also help focus the argument to inform the parties that the court has already prepared for oral argument and its initial inclination is that the issue is governed by *Sourcecorp*

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v. Norcutt, 229 Ariz. 270, 274 P.3d 1204 (2012), so that fact issues regarding whether Plaintiff paid the claim honestly to protect its own interests precludes summary judgment.

IT IS ORDERED resetting the oral argument currently scheduled for **December 21, 2012 at 3:00 p.m.** as a telephonic oral argument.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.