1 2

3 4

> 5 6

7

8 9

10

11

12

13 14

15

16

17

18

19

20

21 22

23

24

25

26 27

28

UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA

**DEVELOPMENT CORPORATION, et** 

Plaintiffs,

VS.

**SANDPIPER RESORTS** 

GLOBAL REALTY INVESTMENTS, LLC, et al.,

Defendants.

2:08-cv-01360 JWS

ORDER AND OPINION

[Re: Motion at Docket 308, and Inquiry Re Trial Date]

At docket 308, plaintiffs Sandpiper Resorts Development Corporation and Dourian Foster Investments Incorporated ("collectively "Plaintiffs") move for an award of prejudgment interest and attorneys' fees against defaulted defendants Global Realty Investment, LLC; Caroline Hartman-Altenbrand; Kelly Altenbrand; and Toscana Developers, LLC. At docket 313 defendants Cynthia Estes and Estes Development, LLC (collectively "Estes") ask the court to allow them to "reserve the right to respond to [the motion at docket 308]" until after the court decides whether Estes Development is liable for the judgment already entered on a veil piercing theory. At docket 314, Plaintiffs do not oppose affording Estes an opportunity to respond to Plaintiffs' request for attorneys' fees until after the veil piercing issue has been resolved. Rather than

leave the motion at docket 308 live on the docket, the court hereby denies the motion at docket 308 without prejudice and with leave to renew, and, if appropriate, expand the motion to include a request for an award against Estes Development, LLC, following resolution of the claim against it.

The parties have previously indicated that to address the veil piercing issue they will need a two-day trial to the court. Counsel will please confer and then within seven days from the date of this order advise the court whether they can be available for the two-day trial during the weeks of April 1 [the court is not available April 4 and5], April 15, or April 29, 2013, and if so, identify all of the dates that are mutually acceptable.

DATED this 23rd day of January, 2013.

JOHN W. SEDWICK UNITED STATES DISTRICT JUDGE