

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-011927

01/06/2012

HONORABLE KATHERINE COOPER

CLERK OF THE COURT
L. Firriello
Deputy

DAVID B VANYO, et al.

JEFFREY D GROSS

v.

CAREFREE FOOTHILLS HOMEOWNERS
ASSOCIATION, et al.

KURT M ZITZER

FINAL TRIAL MANAGEMENT CONFERENCE

Courtroom 514- East Court Building

10:05 a.m. This is the time set for Final Trial Management Conference. Plaintiffs are represented by counsel, Jeffrey D. Gross. Defendants are represented by counsel, Kurt M. Zitzer.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

A Trial Management Conference is conducted and legal matters are discussed.

IT IS ORDERED affirming the four (4) day jury trial on **January 30, 2012**, in this Division. Counsel shall be present at **9:00 a.m.** on the first day of trial to discuss any pretrial matters. The court conducts jury trials Monday through Thursday, 9:30 a.m. to 4:30 p.m. There will be a morning and afternoon recess of 15 minutes. The court takes an hour and a half lunch break. If necessary, the court will enforce reasonable time restrictions to ensure that the trial will end at the scheduled time.

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IT IS FURTHER ORDERED:

1. The court will summon a panel of 40 prospective jurors.
2. The court will conduct voir dire. At the conclusion of the court's questioning, each side will have an opportunity to ask questions of the panel.
3. The parties agree to a total of eight (8) jurors with one (1) alternate. Counsel will decide whether the alternate juror may deliberate. Six (6) jurors are necessary for a verdict.

The court will determine alternate jurors by lot as prescribed by the rules unless the parties stipulate to allow the alternate jurors to deliberate.

4. A court reporter has not been requested by any party.
5. All exhibits are due to the clerk for marking no later than **January 6, 2012**. Exhibits should be submitted to the clerk in a three-ring binder, each separated by a tabbed numbered divider. If exhibits are submitted without a binder, then they shall be separated by a colored sheet of paper with the exhibit number written on front. Each exhibit shall be clipped or bound if too large to be stapled. Exhibits shall be marked numerically and consecutively. *Do not skip numbers*. Additional exhibits, if necessary, may be marked during the course of trial. Counsel shall eliminate duplication of exhibits as duplicate exhibits will not be marked.

IT IS FURTHER ORDERED that Defendants' Motion in Limine Regarding David Gratton and Dr. Eric Korsten is withdrawn. Plaintiff will not call witness Jeffrey Rybarczyk and, therefore, Defendants will not call witnesses Gratton or Korsten.

In addition, discussion is held regarding Plaintiffs' anticipated witnesses Gemmel, Crane and Dwyer. Defendant's counsel objects to witness Gemmel. The objection is overruled. Mr. Gemmel will be permitted to testify as the current President of the Association and representative of the Class but only as to those matters timely disclosed.

Oral Argument is affirmed on **January 23, 2012 at 9:30 a.m.** on the following Motions:

IT IS ORDERED ruling on the parties' Motions as follows:

1. Plaintiffs' Motion for Partial Summary Judgment.

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2. Defendant Carefree Foothills Homeowners' Association's Motion to Strike Jason Segneri and Ziad Kaakouch as Trial Witnesses..

11:05 a.m. Conference concludes.

ALERT: Effective September 1, 2011, the Arizona Supreme Court Administrative Order 2011-87 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.