

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2012-011712

01/08/2013

HONORABLE ARTHUR T. ANDERSON

CLERK OF THE COURT  
L. Nelson  
Deputy

WILLIAM STEWART

BENJAMIN ROBERT JEMSEK

v.

BROWN COMMUNITY MANAGEMENT INC, NATHAN T METZGER  
et al.

**COMPREHENSIVE PRETRIAL  
CONFERENCE SETTING**

The Court has received and reviewed Plaintiff's Request for Rule 16(b) Status Conference.

**IT IS ORDERED** setting this matter for a Comprehensive Pretrial Conference, pursuant to Rule 16(b) on **March 19, 2013 at 9:00 a.m. (30 min.)** before:

**HON. ARTHUR T. ANDERSON  
Maricopa County Superior Court  
East Court Building  
101 West Jefferson Street  
5<sup>th</sup> Floor, Courtroom 511  
Phoenix, AZ 85003  
602-506-0341**

The hearing will be heard telephonically unless counsel notify this Division the day prior to the hearing that counsel will appear in person. If all parties appear telephonically, Plaintiff's counsel shall initiate the conference call. The court's phone number is (602) 506-0341.

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Transmissions over cellular telephones and speaker phones are not clearly received by the court's phone system and, therefore, are not allowed.

**Plaintiff's counsel shall notify this Division whether the parties will be appearing telephonically the day prior to the hearing.**

The court will set a firm trial date at this conference. Counsel are advised to have their trial calendars with them.

**IT IS FURTHER ORDERED** that the parties shall submit a Proposed Scheduling Memorandum and Scheduling Order as set forth below.

All counsel are directed to meet personally to discuss all of the matters set forth in Rule 16(b). Counsel shall prepare and file with the court by **5:00 p.m. on March 13, 2013** a **Proposed Scheduling Memorandum and Scheduling Order**. The memorandum shall address all the matters listed in Rule 16(b) and additional items set forth below.

1. The nature of the case; the issues, and each party's position with respect to the issues.
2. **An agreed upon schedule and date for completion of non-expert depositions.** As far as can reasonably be anticipated, each party shall set forth the depositions they anticipate taking and the approximate time required for each; any and all medical examinations which may be required of any of the parties; the person or persons to conduct such examinations; all requests for production; and all tangible evidence to be disclosed or exchanged.
3. **A date for the final disclosure of the identities, subject matters, and reports of expert witnesses,** and/or to supplement disclosures made to date.
4. **A date or dates for the initial and final disclosure of all non-expert witnesses,** and/or to supplement disclosures made to date.
5. **A date by which all written discovery will be propounded and concluded.** Further, counsel shall set forth any written discovery outstanding and a date when it will be complete.
6. The position of each counsel on whether the Rule 38.1 time limits should be waived.

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7. The court will order the parties to participate either in a settlement conference with a judge pro tem or a mediation with a private mediator. An agreement of all parties is required for private mediation. The parties are to advise if such an agreement is reached. The parties are also to advise a **proposed date for the completion of the settlement conference or mediation.**
8. Set forth any discovery disputes to date or Rule 26.1 compliance issues.
9. **A date for completion of all discovery**, including expert discovery.
10. **A date by which all dispositive or partially-dispositive motions shall be filed.**
11. **A proposed trial date** agreed upon by all counsel and anticipated length of trial.

If counsel are unable to agree on any of the items of the Proposed Scheduling Memorandum, the reasons for their inability to agree shall be set forth in the Proposed Scheduling Memorandum. **All proposed deadlines shall be set forth as calendar dates, and not in the form "XX days before trial."**

**IT IS FURTHER ORDERED** that counsel shall notify the court of any agreed-upon extension of any time period provided by the Rules of Civil Procedure. The purpose of this order is not to discourage extensions as a matter of professionalism, but to ensure that no party suffers summary disposition of any issue because the court is unaware that an extension had been granted.

Counsel are reminded that the court may impose sanctions, pursuant to Rule 16(f), against counsel and/or their clients for failure to participate in good faith in the preparation or timely filing of the memorandum.

**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.