

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-013923

01/09/2013

HONORABLE MICHAEL J. HERROD

CLERK OF THE COURT
L. Stogsdill
Deputy

SILVERTREE HOMEOWNERS ASSOCIATION NIKITA VERMA PATEL

v.

RICHARD SAMUEL PICKELL, et al.

RICHARD SAMUEL PICKELL
A1 LEGAL SERVICES ATTN KIM
PICKELL
5119 N 19TH AVE STE K
PHOENIX AZ 85015

ANKIM THI DOAN PICKELL
A1 LEGAL SERVICES ATTN KIM
PICKELL
5119 N 19TH AVE STE K
PHOENIX AZ 85015

ORDER TO SHOW CAUSE RETURN HEARING
TRIAL SET

Courtroom 411- ECB

9:19 a.m. This is the time set for an Order to Show Cause Return Hearing. Plaintiff is represented by counsel, Nikita Verma Patel. Defendants Richard S. Pickell and Ankim Doan Pickell are present and appear on their own behalf.

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

Discussion is held regarding status of the matter and the parties' agreement to a schedule to resolve the issues.

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For the reasons stated on the record,

IT IS ORDERED Plaintiff will submit a proposed Order for Court's review containing an agreed upon schedule by which Defendants will resolve the remaining issues with Plaintiff.

IT IS FURTHER ORDERED AS FOLLOWS:

TRIAL.

This matter is set for a non-jury trial re: injunction on **May 3, 2013** before:

Judge MICHAEL J. HERROD
Maricopa County Superior Court
101 W. Jefferson Courtroom 411
Phoenix, AZ 85003
Telephone: (602) 372-0359

Estimated length of trial: **1 day.**

(PTMC) PRETRIAL MANAGEMENT CONFERENCE

This matter is set for Pretrial Management Conference on **April 26, 2013 at 9:00 a.m.**
for thirty (30) minutes.

COUNSEL WHO WILL BE THE LEAD TRIAL LAWYERS ON THE CASE ARE
REQUIRED TO BE IN COURT FOR THE PRETRIAL MANAGEMENT CONFERENCE.

FAILURE OF TRIAL COUNSEL TO ATTEND THE PRETRIAL MANAGEMENT
CONFERENCE MAY RESULT IN PERSONAL SANCTIONS.

Motions in Limine. Any Motions in Limine shall be filed no later than **thirty (30) days before the Trial Management Conference.** Failure to file a timely response will be deemed to be consent to granting of the motion. The moving party shall not file a reply in support of a Motion in Limine.

Witness Information Form. The parties must submit the Witness Information Form in the form specified below by the deadline set forth below. In addition to the names of witnesses, the parties must provide estimates of the length of each witness's testimony.

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Depositions to be used at trial. Before a deposition may be used for any purpose at trial, the original transcript must be provided to the division clerk and an **additional copy** must be provided to the judge.

Marking exhibits. Counsel shall present all exhibits with a list of exhibit descriptions to the Clerk of this Court **no less than ten (10) judicial days before trial.** The exhibits will be marked serially as they are listed in the pretrial statement - Plaintiff's first, Defendant's second. Counsel shall make sure that the clerk does not receive duplicate exhibits from Plaintiff and Defendant. Counsel shall also present original depositions for filing at that time. **Please advise the Clerk, (602) 506-7504 referring specifically to the pretrial statement, which exhibits may be marked directly in evidence.**

Elements of Claims or Defenses. (A) By the deadline noted below, any party asserting a claim or affirmative defense must submit a Memorandum setting forth the following regarding each claim or affirmative defense: (1) the elements (i.e. proof requirements), (2) whether some burden of proof other than preponderance applies, and (3) the legal authority supporting the foregoing. (B) In the event an opposing party takes the position that anything stated in the above referred-to Memorandum is incorrect, that party must submit by the deadline listed below an Opposing Memorandum which sets out (1) what portion of the Memorandum the party disagrees with, and (2) the legal authority which supports this position. Because the Court will be relying on these Memoranda, failure to timely submit an Opposing Memorandum will be deemed to be a waiver of the right to contest the elements of a claim or defense.

IT IS ORDERED establishing the following deadlines:

April 22, 2013	Memorandum regarding elements
April 22, 2013	Joint Pretrial Statement
April 22, 2013	Witness Information Form
April 25, 2013	Opposing Memorandum regarding elements

IT IS FURTHER ORDERED that counsel advise the Court of any need for an interpreter at the Pretrial Management Conference.

A party not represented by counsel has all of the obligations of counsel listed above.

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The proceeding will take place in the Superior Court's "e-courtroom." A record of the proceedings will be made by audio and CD in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings for a \$20.00 charge. If a CD is requested, please obtain a form from the courtroom clerk or from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee **at the Self Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.** Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call 602-506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

With this new technology, a court reporter is likely not required and the parties are encouraged to experience the court's video recording system before requesting a court reporter. If a court reporter is required, the Court must receive a written request at least 3 court days before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

9:25 Matter 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.

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WITNESS INFORMATION FORM

WITNESSES FOR PLAINTIFF(S)

	WITNESS NAME	DIRECT	CROSS

DIRECT & CROSS TOTAL: _____

WITNESSES FOR DEFENDANT(S)

	WITNESS NAME	DIRECT	CROSS

DIRECT & CROSS TOTAL: _____

TOTAL WITNESS TIME ESTIMATE: _____

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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.