

02/04/2002

CLERK OF THE COURT
FORM V000A

HON. MICHAEL J. O'MELIA

A. Beery
Deputy

CV 2000-021228

FILED: _____

JOSEPH JUNKER, et al.

DONALD R ALVAREZ

v.

RICKY L CARLIN, et al.

EDWARD G HOCHULI

LISA M COULTER
R COREY HILL

MINUTE ENTRY

The Controverting Certificate to the Motion to Set is denied, because the trial date will allow enough time to complete discovery. Discovery may continue to 60 days before trial.

IT IS ORDERED:

1. This matter is set for trial to the Court on **April 3, 2002 at 9:30 a.m. in this division.**

Estimated length of trial is: **3 days.**

THIS IS A FIRM TRIAL SETTING.

2. The joint pretrial statement in accordance with Rule VI, Uniform Rules of Practice, is due by 5:00 p.m., five days prior to trial. In addition to the information required by Uniform Rule VI, counsel are to identify in/with the joint pretrial statement all deposition or other transcribed testimony that may be

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offered at trial. The proposed testimony is to be identified by reference to page and line numbers. Objections, if any, to such testimony, and the reasons for such objections, are also to be set forth.

3. No less than five (5) judicial days prior to trial, counsel (or the parties) shall file:
 - A. Requested jury instructions and any voir dire questions counsel request that the Court ask.
 - B. Any trial memoranda (optional) which will be in lieu of post-trial briefs, unless otherwise requested by the Court at the conclusion of the trial.
 - C. Motions in limine, which must meet the test of State v. Superior Court, 108 Ariz. 396, 499 P.2d 152 (1972): "The primary purpose of a motion in limine is to avoid disclosing to the jury prejudicial matters which may compel a mistrial."
 - D. Proposed findings of fact and conclusions of law (if a request for findings of fact and conclusions of law has been or will be filed).
4. Written response to a motion in limine may be filed no later than noon of the day before trial.
5. All motions (except motions in limine) shall be filed no later than seventy-five (75) days prior to trial so they can be scheduled, briefed, argued and decided prior to trial.

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6. At least one week before trial, the trial lawyers shall make an appointment for themselves or their knowledgeable assistants to meet with the Clerk of this division before the trial, presenting all exhibits. The exhibits will be marked serially, plaintiff's first and defendant's second.
7. Opinions of experts fairly sought and revealed in deposition or other discovery shall not be supplemented at trial.
8. The witness and exhibit lists shall contain no surprises; any information sought by other discovery devices and revealed for the first time on the witness or exhibit lists will be inadmissible at trial.
9. All documents and pleadings described above shall be delivered or telefaxed to opposing counsel on the date they are delivered to the Court.