

03/19/2002

CLERK OF THE COURT
FORM V000A

HONORABLE MARK R. SANTANA

D. Glab
Deputy

CV 2001-016344

FILED: _____

GAINEY RANCH COMMUNITY ASSOCIATION BURTON T COHEN

v.

MAY FIRE PROTECTION INC

STEVEN A ADELMAN

PRETRIAL CONFERENCE SET

IT IS ORDERED setting a Pretrial Conference on May 16, 2002 at 8:45 a.m. (15 minutes allotted) before Judge Mark R. Santana, Courtroom 413, East Court Building.

IT IS HEREBY ORDERED that all counsel are to meet personally to discuss those subjects listed under ARCP, Rule 16(b). Counsel shall prepare and file a Joint Pretrial Conference Memorandum no later than **five working days** before the pretrial conference, addressing all applicable subjects listed under Rule 16(b), ARCP. The memorandum should propose specific dates, not dates in reference to a trial date,¹ for (1) disclosure of all witnesses, both experts and non-experts, (2) completion of discovery (3) filing of dispositive motions, (4) any other pretrial procedures for which counsel believe a completion date should be set, and (5) whether the parties want the court to set a trial date upon receipt of the Joint Pretrial Conference Memorandum (if so, several proposed trial dates should be submitted) or to await near

¹ For example, "December 5, 2002" is a specific date. "90 days prior to trial" is a date in reference to a trial date and is not what is to be proposed.

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completion of discovery before setting a trial date.² If the parties request that a trial date be set upon receipt of the Joint Pretrial Conference Memorandum, **the trial date set will not be continued for any reason.** If the parties choose to wait until near completion of discovery before setting a trial date, the court will schedule a status conference shortly before the discovery completion date to determine the status of the case and, if appropriate, set a trial date.

The court may impose sanctions against counsel and/or their clients for failure to participate in good faith in the preparation of the Joint Pretrial Conference Memorandum.

If a Joint Pretrial Conference Memorandum is not timely submitted, the court will assume that the case has been settled and, without further notice, dismiss the case.

If the parties are in substantial agreement regarding the schedule, the court will adopt the proposed schedule without further consultation with counsel. Therefore, submission of the Joint Pretrial Conference Memorandum will be deemed a waiver under Rule 42(f)(D)(cc), Arizona Rules of Civil Procedure, of any party's right to a change of judge if the right has not already been waived. If there is substantial disagreement regarding the schedule, the court will set a telephonic scheduling conference.

Rule 1, Arizona Rules of Civil Procedure, provides in part:

[These rules] shall be construed to secure the **just, speedy, and inexpensive** determination of every action.
(Emphasis added.)

The disclosure rules will be enforced to achieve those goals. Material facts and exhibits not disclosed will not be

² If a trial date more than eight months from the date of the Joint Pretrial Conference Memorandum is requested, the court likely will wait until closer to the discovery completion date to set a trial date after holding a status conference.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
03/22/2002

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used at trial. Failure to disclose information required to be disclosed pursuant to Rule 26.1 will result in sanctions being imposed. Counsel should assure that their respective disclosure statements and supplements are complete and comprehensive.