

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-090668

03/10/2004

HON. BARBARA M. JARRETT

CLERK OF THE COURT
M. Brady
Deputy

FILED: 03/12/2004

DON P CRAMPTON

T GERALD CHILTON JR.

v.

EAGLE MOUNTAIN INVESTORS L.L.C., et al. ROBERT A HENRY

KENNETH W WELSH
ALTERNATIVE DISPUTE
RESOLUTION - CCC

MINUTE ENTRY

8:45 a.m. This is the time set for pretrial conference/Rule 16 comprehensive. Gerald Chilton Jr. is present telephonically on behalf of the plaintiff. Robert Henry is present on behalf of defendant Eagle Mountain Investors. Ken Welsh is present telephonically on behalf of defendant Eagle Mountain Community Association.

Court Reporter, Donna Johnson, is present.

IT IS ORDERED setting this case for a **jury trial** on **09/20/2004 at 9:30 a.m.**

Estimated length of trial: 3 days.

THIS IS A FIRM TRIAL SETTING. A MOTION TO CONTINUE BASED ON LACK OF PREPARATION WILL NOT BE GRANTED.

1. Discovery shall be completed on or before 07/14/2004.
2. Final Supplemental Disclosure statements shall be completed on or before 05/31/2004. Any rebuttal witnesses shall be disclosed on or before 06/30/2004.
3. A final pre-trial conference is set for 09/14/2004 at 8:45 a.m.

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4. A joint pretrial statement in accordance with Rule 16(d), Arizona Rules of Civil Procedure, shall be due the day prior to the time of the pre-trial conference.

5. Jury instructions are to be provided at the pre-trial conference.

6. All Motions in Limine shall be filed 30 actual days (Sun.-Sat.) before the trial date. Responses shall be filed 10 actual days (calendar) before the trial date. No replies allowed. All Motions in Limine shall be heard on 09/14/2004 at 8:45 a.m.

7. At the pre-trial conference, counsel shall provide the Court with copies of any deposition transcripts to be read to the jury. The offering party should highlight the portions to be read. The other side should highlight Rule 106 additions. Any objections for the Court to rule on should be clearly marked in the margin.

8. In the ordinary case, counsel may assume the jury will be picked and opening statements will take place in the morning. Witnesses will then be called on the first day. Trial days are 9:30 a.m. to 12:00 p.m., and 1:30 p.m. to 4:30 p.m., four days a week (Monday – Thursday).

9. At the pre-trial conference, counsel shall be prepared to discuss:

(a) time limits in voir dire, opening statements, examination of witnesses and closing statements.

(b) stipulation as to the foundation and authenticity of exhibits.

(c) preliminary jury instructions.

10. Counsel shall present all exhibits with a list of exhibit descriptions to the Clerk of this Court **at the time of the pretrial conference**. The exhibits will be marked serially as they are listed in the pretrial statement - plaintiff's first, defendant's second. **Counsel will make sure that they do not bring to the clerk a Plaintiff's set of exhibits and a Defendant's set of exhibits that include duplicate exhibits.** Counsel shall also present original depositions for filing at that time. **Please advise the Clerk, referring specifically to the pretrial statement, which exhibits may be marked directly in evidence.**

11. One day's jury fees will be assessed unless the Court is notified of settlement before 2:00 p.m. on the judicial day before trial.

IT IS FURTHER ORDERED referring this matter to the Court's Alternative Dispute Resolution Office for the appointment of a Judge *Pro Tempore* to conduct a settlement conference. Counsel and/or the parties are instructed that ADR will not set the settlement
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conference and therefore they should not contact the office of ADR. Counsel and/or the parties will be notified by ADR by minute entry upon the appointment of a Judge *Pro Tempore* and at that time should contact the appointed Judge *Pro Tempore* to arrange the time and location for the settlement conference. The Judge *Pro Tempore* is requested to conduct a settlement conference not later than 06/10/2004.