

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-013537

03/06/2007

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
C.I. Miller
Deputy

ROBERT FORMAN

G DAVID GAGE

v.

GAIAM INC, et al.

JEFFREY L SMITH
LAWRENCE A PESHKIN

RULING ON MOTION TO SET

The court has received and reviewed Defendant(s)' The Legend Trail Defendants' Request for Rule 16(b) Pretrial Conference.

IT IS ORDERED removing this case from the Inactive Calendar.

The court will not set a trial date until after the parties have completed discovery and participated in a mandatory settlement conference where the decision maker for each party is present. Counsel are to submit a Joint Pretrial Memorandum (as ordered below) which the court will review and thereafter issue a minute entry setting a discovery schedule and time for the mandatory settlement conference.

IT IS ORDERED that counsel for the Plaintiff(s) and Defendant(s) are to discuss those subjects listed under A.R.C.P., Rule 16(b); and then prepare and file a Joint Pretrial Memorandum **no later than May 1, 2007**, addressing all applicable subjects listed under Rule 16(b). In addition, a brief description of the nature of the case, the issues, and each party's position with respect to the issues and the estimated length of the trial and approximately when the parties would like to try the case, shall be include in the filed memorandum.

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If counsel are unable to agree on any of the items in the Joint Pretrial Memorandum, the reasons for their inability to agree shall be set forth in the memorandum. Counsel are reminded that the court may impose sanctions against counsel and/or their clients for failure to participate in good faith in the Joint Pretrial Memorandum.

IT IS ORDERED that if a party wishes to be heard regarding the scheduling of discovery or other issues in the Joint Pretrial Memorandum, **they may schedule a hearing by contacting the court's Judicial Assistant at (602) 372-0765**. The request for a hearing must be made no later than the date the memorandum is filed with the court. No agreement by the parties to modify the pleading schedule will be honored by the court, unless the court is notified and approves of the parties' agreement.