

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-099399

03/08/2013

HONORABLE RUTH H. HILLIARD
FOR HONORABLE EMMET RONAN

CLERK OF THE COURT
T. Soto
Deputy

BALLANTRAE RIDGE HOMEOWNERS
ASSOCIATION

NIKITA VERMA PATEL

v.

DAVID R APPLETON, et al.

DAVID R APPLETON
8711 E PINNACLE PEAK RD # 109
SCOTTSDALE AZ 85255-3517

DAVID R APPLETON LIVING TRUST,
THE
NO ADDRESS ON RECORD
NATIONAL BANK OF ARIZONA
NO ADDRESS ON RECORD

COMPREHENSIVE PRETRIAL CONFERENCE SET

The Court has received and reviewed Plaintiff's Request for Rule 16 Conference.

IT IS ORDERED setting this matter for a telephonic Comprehensive Pretrial Conference, pursuant to Rule 16(b) on **April 3, 2013 at 9:30 a.m. (Time allotted: 15 minutes)** before:

**HONORABLE EMMET J. RONAN
SOUTHEAST ADULT FACILITY
222 EAST JAVELINA - COURTROOM 205
MESA, AZ 85210**

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NOTE: Counsel for the Plaintiff is to initiate the telephonic conference by first arranging the presence of all other counsel or self-represented parties on the conference call and by calling this division at (602) 506-0438 promptly at the scheduled time.

The Court will not set a firm trial date until it is determined that all parties have made a **good faith** effort to enter into a settlement agreement.

IT IS ORDERED that the parties shall submit a Joint Pretrial Memorandum as set forth below.

The Court will review the Joint Pretrial Memorandum and proposed Scheduling Order prescribed herein. The Court may adopt or modify the discovery and disclosure schedule order and set a scheduling conference for purposes of setting a trial date. **If the parties agree to the discovery and disclosure schedule and the Court signs the proposed Scheduling Order, the Court shall vacate the Comprehensive Pretrial Conference, Pursuant to Rule 16(b).** If counsel still believe that a pretrial conference is still necessary at this stage of the litigation, they should address the reasons for the need for a pretrial conference in the first paragraph of the Joint Pretrial Memorandum.

If the parties fail to file a timely memorandum, sanctions may issue pursuant to Rule 16(f).

IT IS FURTHER ORDERED:

All counsel are directed to meet personally to discuss all of the matters set forth in Rule 16(b). Counsel shall prepare and file with the Court, no later than **(7 days before the Pretrial Conference) 5:00 p.m. on March 27, 2013**, a Joint Pretrial Memorandum, and a proposed **ORDER** for discovery and disclosure deadlines. The proposed order shall include dates for the following items and conform substantially with the attached sample order.

1. **An agreed upon schedule and date for completion of non-expert dispositions.** As far as can reasonably be anticipated, each party shall set forth the depositions they anticipate taking and the approximate time required for each; any and all medical examinations which may be required of any of the parties; the person or persons to conduct such examinations; all requests for production, and all tangible evidence to be disclosed or exchanged.
2. **A date for the final disclosure of the identities, subject matters and reports of expert witnesses,** and/or to supplement disclosures made to date.

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3. **A date or dates for the initial and final disclosure of all non-expert witnesses,** and/or to supplement disclosures made to date.
4. **A date by which all written discovery will be propounded and concluded.** Further, counsel shall set forth any written discovery outstanding and a date when it will be complete.
5. The position of each counsel on whether the Rule 38.1 time limits should be waived.
6. **A proposed date for a Mandatory Settlement Conference pursuant to Rule 16.1. Alternatively, the parties may propose a deadline by which they will participate in private mediation.**
7. **A date for completion of all discovery,** including expert discovery.
8. **A date by which all dispositive or partially-dispositive motions shall be filed.**
9. **A proposed trial date** agreed upon by all counsel and anticipated length of trial.

If the parties agree as to the dates, they need to only prepare and submit **one** proposed order attached hereto. If counsel are unable to agree on any of the items set forth in the attached form of order, the reasons for their inability to agree shall be set forth in the Pretrial Memorandum and **each** shall prepare a **separate** proposed order. **All proposed deadlines shall be set forth as calendar dates, and not in the form “XX days before trial.”**

IT IS FURTHER ORDERED that in no less than five days prior to the Status Conference set herein, the parties shall submit a Joint Statement and report to the Court the history and status of the efforts at Alternative Dispute Resolution pursuant to ARCP Rule 16(g).

DISCOVERY DISPUTES: In the event of any dispute concerning discovery, counsel are directed to confer pursuant to ARCP 26(g) and 37 (a)(2)(C). If such conference is unsuccessful, counsel are directed to initiate a conference call with this Division BEFORE filing a motion to compel or motion for protective order. With respect to discovery disputes, counsel are also advised that, as the Court interprets the above rules, an exchange of correspondence between counsel is not sufficient to satisfy the “personal consultation” requirement of the Rule, except in extraordinary circumstances. At a minimum, counsel must speak to each other by telephone to attempt to resolve the dispute in good faith before involving the Court.

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IT IS FURTHER ORDERED that counsel shall notify the Court of any agreed-upon extension of any time period provided by the Rule of Civil Procedure. The purpose of this order is not to discourage extensions as a matter of professionalism, but to ensure that no party suffers summary disposition of any issue by virtue of an extension of which the Court is not aware.

PLEASE NOTE: This Courtroom is not an E-Courtroom and the division does not have an assigned court reporter. All court proceedings are recorded by audio method and not by 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.

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PROPOSED SCHEDULING ORDER FORM

The Court having received the parties' Joint Comprehensive Pretrial Conference Memorandum,

IT IS ORDERED entering the following schedule for disclosure as set forth unless the parties obtain written modifications by the Court:

1. Initial disclosures shall be exchanged by: **(MM/DD/YYYY)**
2. The identities and subject areas of expert testimony shall be disclosed by: **(MM/DD/YYYY)**
3. Plaintiff's final expert disclosure shall be served by: **(MM/DD/YYYY)**
Defendant's final expert disclosures shall be served by: **(MM/DD/YYYY)**
Rebuttal expert disclosures shall be served by: **(MM/DD/YYYY)**
4. Final Non-expert disclosures shall be exchanged by: **(MM/DD/YYYY)**
5. Written discovery shall be propounded by: **(MM/DD/YYYY)**
6. Dispositive or partially dispositive motions shall be filed by: **(MM/DD/YYYY)**
7. Depositions shall be completed by: **(MM/DD/YYYY)**
8. Discovery shall be completed by: **(MM/DD/YYYY)**
9. Any motions to amend pleadings shall be filed by: **(MM/DD/YYYY)**

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10. The parties remaining in this action shall participate in comprehensive mediation by: **(MM/DD/YYYY)**
11. The case will be ready for trial on or after: **(MM/DD/YYYY)**

IT IS ORDERED setting a Status Conference in this matter on [counsel to leave this date and time blank], (time allotted: 15 minutes), before:

**HONORABLE EMMET J. RONAN
SOUTHEAST ADULT FACILITY
222 EAST JAVELINA - COURTROOM 205
MESA, AZ 85210**

Dated: _____

HONORABLE EMMET J. RONAN
Judicial Officer of the Superior Court

(End of Form)

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.