

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-095508

03/03/2015

HON. MARK F. ACETO

CLERK OF THE COURT
M. Scott
Deputy

MICHAEL MCMULLEN

DAVID E JOHNSON

v.

VAL VISTA LAKES COMMUNITY
ASSOCIATION, THE

J GARY LINDER

MINUTE ENTRY

On February 27, 2015, Plaintiff filed a "Request for Telephonic Status Conference".
Under the circumstances,

IT IS ORDERED as follows:

- Plaintiff's "Request for Telephonic Status Conference" is denied.
- The "Motion to Dismiss Complaint" filed by Defendant on September 29, 2014 is denied without prejudice.
- Defendant must file an answer (or otherwise defend as provided by the rules of civil procedure) by no later than **11 calendar days after this minute entry is filed by the Clerk of the Court.**

ORDER TO FILE JOINT PROPOSED SCHEDULING ORDER

On Court's own motion,

IT IS ORDERED as follows:

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- Counsel and/or the parties are to meet personally to discuss all of the matters set forth in Rule 16(e), Ariz. R. Civ. P. The parties shall then jointly file with the Court no later than 5:00 p.m. on **April 3, 2015**; a document entitled either “Joint Proposed Scheduling Order” or “Alternative Proposed Scheduling Orders”.
- Any proposed scheduling order must be in the form attached hereto and must at a minimum address all topics in that form.
- Counsel must upload and e-file all proposed orders in Word format to allow for possible modification by the Court.
- The Court fully expects, to the extent possible, that the parties will reach agreement regarding proposed deadlines. If agreement is reached, all that need be filed is a “Joint Proposed Scheduling Order”.
- If agreement is not reached, the parties must jointly file a document entitled “Alternative Proposed Scheduling Orders” and attach thereto each party’s proposed scheduling order, specifying at the top of each attached order who proposed the order. (Therein, the parties may explain why they have been unable to reach agreement.)
- If any party feels that a Rule 16 Comprehensive Pretrial Conference is necessary at this stage of the litigation, in the first paragraph of the party’s “Proposed Scheduling Order”, the party must request that a conference be set and explain the reason for the request.

[PROPOSED] SCHEDULING ORDER

The Court having reviewed the parties’ Proposed Scheduling Order(s),

IT IS ORDERED as follows:

- The deadline for service of written discovery requests is 5:00 p.m. on _____.

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- The deadlines for disclosure established by Rule 26.1, ARCP (including the obligation to seasonably supplement prior disclosures) remain in full force and effect. The deadlines established in this order in no way supersede the obligation to make earlier disclosure required by Rule 26.1.
- The deadline for disclosure of non-expert witnesses is 5:00 p.m. on _____.
- The deadline for disclosure of expert witnesses and their opinions is 5:00 p.m. on _____.
- The deadline for disclosure of rebuttal expert witnesses and their opinions is 5:00 p.m. on _____.
- The deadline for completion of discovery is 5:00 p.m. on _____.
- The deadline for final supplementation of Rule 26.1 disclosure is 5:00 p.m. on _____.
- [Private Mediation or Settlement Conference with a judge pro tem (choose one)]

The parties shall participate in private mediation by 5:00 p.m. on _____.

OR

The parties shall participate in a mandatory Settlement Conference by _____. This case is referred to the Court's Alternative Dispute Resolution Office for appointment of a judge *pro tempore* to conduct a settlement conference. Counsel and/or the parties will receive a minute entry from ADR appointing the judge *pro tempore*. Counsel and "pro per" parties will contact the appointed judge *pro tempore* to arrange the date, time, and location for the settlement conference. The judge *pro tempore* is requested to conduct a settlement conference no later than **(propose a date at least 90 days out)**. The Office of Alternative Dispute Resolution

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will not do the scheduling of the settlement conference so please do not contact that office.

If the parties decide to use a private mediator, they must forthwith advise the Office of Alternative Dispute Resolution and any judge pro tempore who has been assigned to conduct the settlement conference. Additionally, private mediation must be completed by the deadline established above.

All counsel and their clients, or non-lawyer representatives who have full and complete authority to settle the case, shall personally appear and participate in good faith in the Settlement Conference/Mediation. Sanctions may be imposed for failure to participate.

- No expert witnesses, expert opinions, lay witnesses, or exhibits shall be used at trial other than those disclosed in a timely manner, except for good cause shown or written agreement of the parties.
- The deadline for filing dispositive or partially dispositive motions is 5:00 p.m. on _____ or 140 days before trial, whichever comes first.
- A Telephonic Status Conference is set for _____ at _____. Counsel who will be lead counsel at trial must participate in the Telephonic Status Conference. Counsel must have their trial calendars available during this conference.

NOTE: Plaintiff shall be responsible for initiating the conference call by calling this division at **602-506-5261**, with all participating parties and counsel on the line, at the date and time specified above.

- If mediation or a settlement conference will not be completed before the above discussed Telephonic Status Conference, counsel must file a Notice no later than seven days before the conference. In the Notice, counsel must (1) explain why mediation or a settlement conference has not been completed and (2) advise of the date on which private mediation or a settlement conference is scheduled.

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- If mediation or a settlement conference has not been completed before the Telephonic Status Conference, the Court will consider imposing sanctions.
- The deadlines established by this Order are firm and will not be extended or modified by the Court absent good cause. Lack of preparation will not ordinarily be considered good cause.
- This case is removed from the Dismissal Calendar and all requirements of Rule 38.1, ARCP, are waived unless and until otherwise ordered by the Court.