

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2017-051923

03/27/2018

HONORABLE SUSAN M. BRNOVICH

CLERK OF THE COURT  
K. Hartley  
Deputy

SUNRISE CONDOMINIUM ASSOCIATION

TROY B STRATMAN

v.

ROBERT K WELCH

MATTHEW ALLEN KLOPP

ORAL ARGUMENT SET  
BENCH TRIAL SET  
ORAL ARGUMENT VACATED

Courtroom 112-NER

8:45 a.m. This is the time set for a telephonic Status Conference. Appearing on behalf of Plaintiff is Emily Mann for Troy B Stratman. Appearing on behalf of Defendant is counsel, Matthew Allen Klopp.

A record of the proceedings is made digitally in lieu of a court reporter.

Matters are discussed.

The Court notes that Defendant filed a Motion for Partial Summary Judgment and Plaintiff filed a Cross-Motion for Partial Summary Judgment as to Liability.

The Court has reviewed the materials filed in support of and in opposition to the above stated motions.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2017-051923

03/27/2018

**IT IS ORDERED** setting Oral Argument on the above-noted Motion for **March 30, 2018 at 10:00 a.m. (1 hour allotted)**. Counsel and any unrepresented parties shall appear in person for this hearing before:

**THE HONORABLE JUDGE SUSAN BRNOVICH  
SUPERIOR COURT OF ARIZONA  
NORTHEAST REGIONAL COURT CENTER  
18380 NORTH 40<sup>TH</sup> STREET  
COURTROOM 112  
PHOENIX, ARIZONA 85032  
(602) 372-2020**

**TRIAL SETTING MINUTE ENTRY**

Court and counsel discuss the status of the case and scheduling matters.

**IT IS FURTHER ORDERED** setting a **1-Day Trial** to the Court on **September 6, 2018 at 10:00 a.m.** before:

**THE HONORABLE JUDGE BRUCE COHEN  
SUPERIOR COURT OF ARIZONA  
NORTHEAST REGIONAL COURT CENTER  
18380 NORTH 40<sup>TH</sup> STREET  
COURTROOM 112  
PHOENIX, ARIZONA 85032**

**THIS IS A FIRM TRIAL SETTING.**

Please note that normal trial days in this division are Monday through Thursday. Each day shall commence at 10:00 a.m. The lunch break will be taken at 12:00 p.m., with the afternoon session to begin promptly at 1:30 p.m. A fifteen (15) minute break will be taken both mid-morning and mid-afternoon, with the trial day to end at 4:30 p.m.

**IT IS FURTHER ORDERED** all trial exhibits shall be submitted for marking not later than **August 30, 2018**.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2017-051923

03/27/2018

No information disclosed after the dates contained in the order may be used at the trial absent court order on motion and affidavit.

**IT IS ORDERED** that should any discovery disputes arise, prior to filing discovery motions, counsel shall MEET AND CONFER FACE TO FACE. If counsel are not able to resolve the dispute,

**IT IS FURTHER ORDERED** that any discovery motion must be accompanied by a Rule 37(2)(C) certification, to include that counsel have met face to face.

The proceedings will take place in the Superior Court's new "e-courtroom." A record of the proceedings will be made by FTR in lieu of a court reporter. With this new technology, a court reporter is not required and the parties are encouraged to experience the court's video recording system before requesting a court reporter. If a court reporter is required, the Court must receive a written request three (3) days prior to trial. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings for a \$30.00 charge. If a CD is requested, please obtain a form from the Self Center to request a daily copy of a court hearing or trial proceeding being conducted and pay the applicable fee. Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it.

If the parties are not familiar with the courtroom's technology, they are encouraged to set up an appointment with the court's technology liaison at 602.372.7876.

8:51 a.m. Matter concludes.

**NOTE:** All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

**PRETRIAL MANAGEMENT ORDERS**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2017-051923

03/27/2018

**IT IS ORDERED** that the Joint Pretrial Statement (JPTS) in accordance with Rule 16(d), A.R.Civ.P., is due in this division by **5:00 p.m., August 30, 2018.**

**IT IS FURTHER ORDERED** with the JPTS, counsel shall deliver to this division, copies of the following:

A. A jointly completed time and witness estimate list.

B Proposed Findings of Fact and Conclusions of Law, if a request has been or will be filed. If no proposed Findings of Fact and Conclusions of Law is received, the request shall be deemed waived.

C. Whether or not the Rule of Exclusion of Witnesses has been invoked.

DISPOSITIVE MOTIONS

All motions, other than motions in limine, shall be filed not later than ninety (90) days prior to the date set for trial.

**Notices of Settlement**

**In accordance with the provisions of ARCP 41(a), to be effective, any Notice of Settlement or Dismissal providing for resolution of one or more pending claims that is filed after service by the opposing party's answer or dispositive motion, must be signed by each affected party (or appropriate counsel) prosecuting or defending against the claim(s) covered by the Notice. Each filed Notice shall state whether it resolves all pending issues in the case and constitutes a representation to the Court that the claims subject to the Notice have been fully resolved with respect to Notice signatories, and that the only further relief to be sought with respect to such claims is entry of an order that each signatory confirms is consistent with the agreement that gave rise to filing of the Notice.**

**Please note:** If either party fail to appear for the trial scheduled above, a default could be entered.

ATTACHED: SAMPLE FORMAT FOR TIME ESTIMATE FORM AND EXHIBIT PROCEDURES

CAUSE NUMBER

Docket Code 089

Form V000A

Page 4

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2017-051923

03/27/2018

CASE CAPTION

PLAINTIFF'S COUNSEL

DEFENDANT'S COUNSEL

(NOTE: Add additional lines as needed for additional parties and or witnesses.)

TIME ESTIMATES FOR TRIAL

Opening Statement and Closing Argument

PLAINTIFF'S OPENING STATEMENT	
DEFENDANT'S OPENING	
PLAINTIFF'S CLOSING	
DEFENDANT'S CLOSING	
PLAINTIFF'S REBUTTAL	

Estimate of Time for Witness Examination

PLAINTIFF'S WITNESSES	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION

Estimate of Time for Witness Examination

DEFENDANT'S WITNESSES	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION

The foregoing are based on the best estimates of counsel of the time reasonably needed to complete the necessary examination of the witnesses listed.

\_\_\_\_\_  
Counsel for Plaintiff

\_\_\_\_\_  
Counsel for Defendant

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2017-051923

03/27/2018

GUIDELINES FOR COUNSEL WHEN PREPARING **EXHIBITS** FOR USE IN COURT

**COUNSEL PLEASE READ**

Exhibits are due to the Court not later than August 30, 2018

If Defendant's exhibits are received prior to Plaintiff's exhibits, the Clerk may mark them first with Plaintiff's exhibits following.

Exhibits will be marked consecutively, Plaintiff's exhibits are marked first and then Defendant's exhibits. **The clerk cannot reserve numbers for exhibits that will be provided at a later date.** To avoid confusion during trial, it is essential that counsel avoid submitting duplicate exhibits. *The clerk cannot reserve numbers for exhibits that will be provided at a later date.* Do not list "Any and all exhibits listed by ...." Depositions will not be marked as an exhibit. Original depositions to be used for impeachment purposes shall be provided to the clerk on the first day of trial/hearing to be hand-filed by the clerk.

**\*\*\*\*\*If a party is submitting more than 100 exhibits, that party shall submit those exhibits in three-ring, tabbed binders.\*\*\*\*\***

**\*\*\*\*Each multiple page exhibit must be securely fastened together by staple or other means. NO PAPER CLIPS, OR RUBBER BANDS may be used. If Acco fasteners are used they must be long enough to fasten securely.\*\*\*\***

Counsel are to provide a workable list of exhibits. The list should include a description of each exhibit. (See blank sample of an exhibit table below as a reference.) Do not put numbers on the exhibits; **however, a colored sheet of paper with the exhibit number on it should be placed in front of each exhibit.**

Exhibit Description Information:

The descriptions should be verifiable when viewing the first page of the exhibit.

Letter designations such as 5A, 5B, etc. shall not be used.

**The Court will require a bench copy of exhibits. The exhibit numbers must match the numbers assigned by the clerk. Please submit the Court's copy of the exhibits numerically tabbed and in a three-ringed binder.**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2017-051923

03/27/2018

If counsel are submitting large charts, blow-ups or maps, please include a small version which can be marked as the exhibit and can go into the jury if in evidence. The blow-ups, charts and/or maps can be used as demonstrative but will not be marked as exhibits and will be returned to counsel.

For additional assistance in preparation of exhibits contact the courtroom clerk at 602-372-7736.

Sample of List of Exhibits to be provided to the courtroom clerk:

EXHIBIT LIST			
Exhibit No.	Identified By	Description	Legal Ground for Objection

LATER:

Plaintiff's counsel having advised the Court that he is unavailable for the March 30, 2018 Oral Argument previously set, the Court will rule on Defendant's Motion for Partial Summary Judgment and Plaintiff filed a Cross-Motion for Partial Summary Judgment as to Liability without oral argument.

IT IS ORDERED vacating the Oral Argument set for March 30, 2018.