

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-091004

04/15/2005

HON. MARK F. ACETO

CLERK OF THE COURT  
K. Stone  
Deputy

FILED: 04/19/2005

SPRINGFIELD COMMUNITY ASSOCIATION J ROGER WOOD

v.

JOHN WILSON

TIFFANY D BROOKS

ALTERNATIVE DISPUTE  
RESOLUTION - CCC

MINUTE ENTRY

**NON-JURY TRIAL SETTING  
TRIAL MANAGEMENT CONFERENCE SETTING**

11:30 a.m. This is the time set for return hearing on the Petition for Order to Show Cause. Counsel, Traylor E. Richardson, is present on behalf of Plaintiff. Counsel, Tiffany D. Brooks, is present on behalf of Defendant.

A record of the proceeding is made by CD and videotape in lieu of a court reporter.

Discussion is held.

11:41 a.m. The Court stands at recess.

11:58 a.m. Court reconvenes with counsel present.

A record of the proceeding is made by CD and videotape in lieu of a court reporter.

**IT IS 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 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***

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***Tempore* and at that time should contact the appointed Judge *Pro Tempore* to arrange the time and location for the settlement conference.**

A representative of each side with settlement authority must be present at the settlement conference. It is not the expectation of the Court that the board of Directors of the homeowners' association must be physically present at the settlement conference.

**Alternative Dispute Resolution completion date: August 1, 2005.**

IT IS ORDERED AS FOLLOWS:

**TRIAL.**

This matter is set for a consolidated hearing regarding the request for preliminary injunction and for non-jury trial on **September 8, 2005 at 9:00 a.m.** before:

THE HONORABLE MARK F. ACETO  
SUPERIOR COURT OF ARIZONA  
SOUTHEAST COURTHOUSE  
COURTROOM 206  
222 E. JAVELINA  
MESA, AZ 85210

Time allotted: 2 hours

**(PTMC) PRETRIAL MANAGEMENT CONFERENCE**

This matter is set for Pretrial Management Conference on **August 19, 2005 at 10:00 a.m.**

COUNSEL WHO WILL BE THE LEAD TRIAL LAWYERS ON THE CASE ARE REQUIRED TO BE IN COURT FOR THE PRETRIAL MANAGEMENT CONFERENCE.

FAILURE OF TRIAL COUNSEL TO ATTEND THE PRETRIAL MANAGEMENT CONFERENCE MAY RESULT IN PERSONAL SANCTIONS.

**Motions in Limine.** Any Motions in Limine shall be filed no later than **thirty (30) days before the Trial Management Conference.** Failure to file a timely response will be deemed to be consent to granting of the motion. The moving party shall not file a reply in support of a Motion in Limine.

**Witness Information Form.** The parties must submit the Witness Information Form in the form specified below by the deadline set forth below. In addition to the names of witnesses, the parties must provide estimates of the length of each witness's testimony.

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**Expert Summary.** By the deadline noted below, each party must submit a pleading listing each expert who will be called by that party to testify at trial along with each opinion of the expert and the basis for each opinion. (The Court will use this document in ruling on objections for lack of disclosure.)

**Depositions to be used at trial.** (1) Before a deposition may be used for any purpose at trial, an **additional copy** must be provided to the judge. (2) As to any deposition testimony which will be presented at trial in lieu of live testimony, (a) no less than four (4) judicial days before the deposition testimony is presented at trial, counsel must specify in writing to opposing counsel the deposition testimony to be presented and (b) no less than forty-eight (48) hours before such testimony is presented, opposing counsel must submit to the Court a written list of any objections to the deposition testimony.

**Marking exhibits.** Counsel shall present all exhibits with a list of exhibit descriptions to the Clerk of this Court **no less than five (5) judicial days before trial**. The exhibits will be marked serially as they are listed in the pretrial statement - plaintiff's first, defendant's second. Counsel shall make sure that the clerk does not receive duplicate exhibits from plaintiff and defendant. 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.**

**Elements of Claims or Defenses.** (A) By the deadline noted below, any party asserting a claim or affirmative defense must submit a Memorandum setting forth the following regarding each claim or affirmative defense: (1) the elements (i.e. proof requirements), (2) whether some burden of proof other than preponderance applies, and (3) the legal authority supporting the foregoing. (B) In the event an opposing party takes the position that anything stated in the above referred-to Memorandum is incorrect, that party must submit by the deadline listed below an Opposing Memorandum which sets out (1) what portion of the Memorandum the party disagrees with, and (2) the legal authority which supports this position. Because the Court will be relying on these Memoranda, failure to timely submit an Opposing Memorandum will be deemed to be a waiver of the right to contest the elements of a claim or defense.

**IT IS ORDERED** establishing the following deadlines:

<b>August 10</b>	<b>Memorandum regarding elements</b>
<b>August 10</b>	<b>Joint Pretrial Statement</b>
<b>August 10</b>	<b>Witness Information Form</b>
<b>August 30</b>	<b>Expert Summary</b>
<b>August 30</b>	<b>Opposing Memorandum regarding elements</b>

A party not represented by counsel has all of the obligations of counsel listed above.

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12:00 p.m. Hearing concludes.

**E-COURTROOM POLICIES**

This is a JAVS courtroom. In the event a record is made, the Court will provide, upon request, CDs and videotapes regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of the proceeding are available in the Self-Service Center and in the JAVS courtrooms.

A person requesting a daily copy of CD or videotape must complete the appropriate request form and pay the applicable fee to the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.

Should a party wish to have a court reporter present for trial, a written request must be received by the Court ten (10) court business days prior to the scheduled hearing.

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**WITNESS INFORMATION FORM**

WITNESSES FOR PLAINTIFF(S)

	WITNESS NAME	DIRECT	CROSS
1			
2			
3			
4			

DIRECT & CROSS TOTAL: \_\_\_\_\_

WITNESSES FOR DEFENDANT(S)

	WITNESS NAME	DIRECT	CROSS
1			
2			
3			
4			

DIRECT & CROSS TOTAL: \_\_\_\_\_

TOTAL WITNESS TIME ESTIMATE: \_\_\_\_\_