

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-015324

04/02/2007

JUDGE ROBERT E. MILES

CLERK OF THE COURT
K. Ballard
Deputy

SIDNEY TANAKA, et al.

STANLEY R LERNER
LISA J COUNTERS

v.

A MELVIN MCDONALD, et al.

DONALD WILSON JR.

PRETRIAL CONFERENCE SET

The Court is in receipt of Plaintiffs' Motion for Rule 16 Pretrial Conference. Accordingly,

IT IS ORDERED setting this matter for a **telephonic** Pretrial Conference on **May 7, 2007 at 3:30 p.m.** Plaintiffs' counsel shall arrange and initiate the conference call to this division:

Judge ROBERT E. MILES
Maricopa County Superior Court
Old Courthouse
125 W. Washington, Courtroom 303
Phoenix, Arizona 85003
(602) 372-0754

All counsel and any unrepresented parties are to meet personally before the Pretrial Conference to discuss those subjects listed under A.R.C.P., Rule 16(b) or 16(c) (if a medical malpractice case). Counsel and/or the parties shall prepare and file a Joint Pretrial Conference

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Memorandum no later than five judicial days before the conference addressing all applicable subjects listed under Rule 16(b) or 16(c), as applicable. Suggested dates in the memorandum for disclosure, discovery, etc. shall be stated as **dates certain** and not, for example, as “___ days before trial”. **In addition, the memorandum shall begin with a brief description of the nature of the case and the contested issues, as well as the estimated length of the trial.**

If counsel are unable to agree on any of the items in the Joint Pretrial Conference Memorandum, the reasons for their inability to agree shall be set forth in the memorandum.

Counsel are advised that generally this Court will not set a trial date until a meaningful settlement conference, private mediation or other ADR procedure has been completed. The Court anticipates that, in many if not most cases, the ADR procedure should be conducted before all discovery has been completed. **Prior to the Pretrial Conference**, the parties shall discuss what discovery procedures must occur so that a meaningful ADR procedure can be held.

Counsel are reminded that the Court may impose sanctions against counsel and/or the parties for failure to participate in good faith in the Joint Pretrial Conference Memorandum or the Pretrial Conference.

Counsel are advised that the Court is available to discuss, by joint telephone call, discovery disputes or any other matter that may impact the parties' ability to resolve this case in a just, speedy and inexpensive manner. See Rule 1, Ariz. R. Civ. P.

With respect to discovery disputes, counsel are also advised that, as the Court interprets Civil Rule 37(a)(2)(c), 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.