

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-013316

04/18/2008

HONORABLE A. CRAIG BLAKEY II

CLERK OF THE COURT
L. Gilbert
Deputy

WARNER RANCH ASSOCIATION

JOHNNY J SORENSON

v.

DANIEL E SHOOK, et al.

HOWARD R GAINES

JURY TRIAL SET

9:00 a.m. In chambers: This is the time set for Telephonic Status Conference. All parties appear telephonically. Plaintiff is represented by counsel, Johnny J. Sorenson. Defendants are represented by counsel, Howard R. Gaines.

Court Reporter, Marylynn LeMoine, is present.

Discussion is held.

IT IS ORDERED setting Trial to a Jury on **December 2, 2008 at 9:30 a.m. (time allotted: Four (4) days)** before:

**HONORABLE A. CRAIG BLAKEY, II
MARICOPA COUNTY SUPERIOR COURT
CENTRAL COURT BUILDING
201 W. JEFFERSON
4TH FLOOR, COURTROOM 401
PHOENIX, AZ 85003
602-506-7806**

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THIS IS A FIRM TRIAL SETTING.

IT IS FURTHER ORDERED setting a Pretrial Management Conference (PTMC) on **November 17, 2008 at 9:00 a.m. (time allotted: 45 minutes)**. The Pretrial Management Conference shall be governed by the Pretrial Management Orders issued this date.

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 FURTHER ORDERED that should any discovery disputes arise, counsel shall MEET AND CONFER pursuant to Rule 37 and file a motion to compel or motion for protective order.

PRETRIAL MANAGEMENT ORDERS

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. on November 10, 2008**.

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

A. A joint set of agreed-upon preliminary and final jury instructions.
This does not include Preliminary Civil RAJI or Standard Civil RAJI 1 – 15, which the Court will give without request.

B. Separate sets of requested instructions that have not been agreed upon.
Please read *Rosen v. Knaub*, 175 Ariz. 329, 857 P.2d 381 (1993), and the RAJI Civil Statement of Purpose and Approach before preparing the request for non-RAJI instructions.

C. Proposed Findings of Fact and Conclusions of Law, if a request has been or will be filed Pursuant to Rule 52. If no proposed Findings of Fact and Conclusions of Law is received, the request shall be deemed waived.

D. Proposed voir dire questions that the Court will give.

E. Counsel shall jointly prepare a brief summary of the case which the Court will read to the jury at the commencement of voir dire.

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F. Counsel are to identify in/with the JPTS all deposition or other transcribed testimony that may be offered at trial. The proposed testimony is to be identified by reference to page and line numbers. Objections, if any, to such testimony, and the reasons for such objections, are also to be set forth.

MOTIONS IN LIMINE

Motions in limine shall be filed only in accordance with Rule 7.2, Ariz. R. Civ. P. Motions in limine shall be filed 30 days before the PTMC and such motions must meet the test of *State v. Superior Court*, 108 Ariz. 396, 397, 499 P.2d 152 (1972). A written response to a motion in limine may be filed no later than ten (10) days thereafter. The Court will rule on the motions in limine without oral argument. If the Court wishes to hear argument, the argument will be heard at the PTMC. No replies shall be filed.

Unless prior leave of the Court is obtained for good cause shown, no party may file more than five motions in limine, including all subparts.

MARKING EXHIBITS

All parties *must* contact the Clerk of this division at 602-506-7451, no later than **November 11, 2008**, regarding the proper procedures for submitting exhibits to be marked for trial in this Division.

No later than **November 18, 2008**, all parties shall deliver their exhibits. *The parties are directed to meet in person to exchange the exhibits before coming to court. The parties will make sure that they do not bring to the clerk a set of exhibits that include duplicate exhibits.* The parties should not reserve exhibit numbers for all Defendant's exhibits, all Plaintiff's exhibits, miscellaneous demonstrative exhibits, and the like. The parties shall also present original depositions for filing at that time.

If the parties agree to stipulate exhibits into evidence prior to commencement of trial, a written stipulation to admit specified exhibits in evidence must be provided to the Clerk of this division with the exhibits.

Exhibits are marked in numerical order per party, making it necessary to mark all of one party's exhibits before marking the other party's. Accordingly, the Defendant's exhibits numbering shall start at the next number following the last of Plaintiff's exhibits. (For example, Plaintiff submits 82 exhibits, which are marked Exhibit 1 through 82. Defendant submits 63 exhibits, which are marked 83 through 145). Please do not combine the parties' exhibits. Each side's exhibits must be submitted separately and in numerical order.

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With regard to trial exhibits, the parties are strongly discouraged from marking exhibits they do not anticipate using during trial. The parties shall include a section in the Joint Pretrial Statement regarding exhibits that *may* be used during trial (and need not be initially marked), separate and apart from those exhibits the parties know will be used and should be initially marked as trial exhibits in this case.

IT IS FURTHER ORDERED that the parties, at the PTMC, shall be prepared to discuss:

- A. Limits on voir dire.
- B. Jury instructions (preliminary and final), mini-opening statements and voir dire.
- C. Agreed-upon deposition summaries and excerpts from deposition transcripts and the editing of videotaped depositions.

Narrative summaries with brief excerpts of deposition question and answer testimony are preferred at trial rather than the reading of deposition testimony.

- D. Any special scheduling or equipment issues.
- E. Status of settlement of the case.

COUNSEL WHO WILL BE THE TRIAL LAWYERS ON THE CASE ARE REQUIRED TO ATTEND THE PRETRIAL MANAGEMENT CONFERENCE.

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

SETTLEMENT

One-day's jury fees will be assessed unless the Court is notified of settlement before 2:00 p.m. on the judicial day before trial.

9:05 a.m. Matter concludes.