

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2011-019190

04/19/2013

HONORABLE MARK H. BRAIN

CLERK OF THE COURT  
A. Melchert  
Deputy

STEPHEN F SURFACE

HENRY ALZATE

v.

MANDALAY AT SOUTH MOUNTAIN H O A,  
et al.

RYAN J MCCARTHY

ALTERNATIVE DISPUTE  
RESOLUTION - CCC

STATUS CONFERENCE SET/  
REFERRAL TO ADR

The Court approves and adopts the deadlines set forth in the parties' Joint Pretrial Memorandum filed March 22, 2013.

IT IS ORDERED setting a Telephonic Status Conference on **August 27, 2013 at 9:00 a.m. (15 minutes)** in this division, all in accordance with the formal written Scheduling Order signed by the Court on April 9, 2013 and filed (entered) by the Clerk on April 19, 2013.

Counsel for Plaintiff shall initiate the conference call.

IT IS FURTHER ORDERED the parties shall participate in a Settlement Conference. This case is referred to the Court's Office of Alternative Dispute Resolution for the 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 any "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

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2011-019190

04/19/2013

Conference not later than **August 16, 2013**. The Office of Alternative Dispute Resolution will not do the scheduling of the Settlement Conference so please do not contact that office.

If counsel prefer to use a private mediator to conduct the Settlement Conference, a Stipulation and Order re: alternative to ADR must be presented to the Court by no later than **5:00 p.m. on July 5, 2013**.

IT IS FURTHER ORDERED that the parties shall simultaneously submit confidential memoranda to the Judge Pro Tempore at least **5 days prior** to the date set for Settlement Conference.

**All counsel and their clients, or non-lawyer representatives who have full and complete authority to settle this case, shall personally appear and participate in good faith in this Settlement Conference, even if no settlement is expected.**

**JUDGE MARK H. BRAIN  
MARICOPA COUNTY SUPERIOR COURT  
EAST COURT BUILDING  
101 WEST JEFFERSON  
4th FLOOR, COURTROOM 413  
PHOENIX, AZ 85003  
602-372-1141 TEL**

**Please Note:** Judge Brain's division is now an FTR division. Any requests for a court reporter will need to be made three (3) days prior to a hearing.

**DISCOVERY DISPUTES:** In the event of any dispute concerning discovery, counsel are directed to confer pursuant to ARCP 26(g). If such conference is unsuccessful, counsel are directed to initiate a conference call with this Division BEFORE filing a motion to compel or motion for protective order.

**ALERT:** The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.