

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-008595

04/14/2014

HONORABLE J. RICHARD GAMA

CLERK OF THE COURT
J. Polanco
Deputy

FLYNN LANE BILTMORE ASSOCIATION INC SAMUEL C RICHARDSON

v.

ANNETTE SUZANNE CLARK

ANNETTE SUZANNE CLARK
6767 N 7TH ST #137
PHOENIX AZ 85014

BETH MULCAHY

ORDER TO FILE JOINT PROPOSED SCHEDULING ORDER

The Court has received Plaintiff's Motion to Set and Certificate of Readiness, filed on April 11, 2014. Accordingly,

IT IS ORDERED as follows:

Counsel and/or the parties are to meet personally to discuss all of the matters set forth in Ariz. R. Civ. P. Rule 16(b). Counsel and/or the parties shall prepare and file with the Court, no later than **5:00 p.m. on May 29, 2014**, a Joint Proposed Scheduling Order, for discovery, motion and disclosure deadlines.

If the parties agree to the dates, they should prepare an Order **in the form attached hereto**, containing the provisions which are applicable to their case.

The proposed Order shall include specific dates (example: 06/05/2013 rather than 45 days from close of discovery). Please do not incorporate a firm trial date in the proposed Order. This Court will set a firm trial date only after discovery has been completed and the parties have in good faith participated in a mediation or settlement conference.

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If counsel are unable to agree on any of the items that are to be included in the Order, the reasons for their inability to agree shall be set forth in their proposed Order.

Procedure. Once the initial Joint Pre-Trial Memorandum is submitted, this Court will review the proposed scheduling order and in its discretion determine whether a telephonic joint pre-trial conference is needed. If not needed, a minute entry will issue memorializing the applicable discovery/disclosure deadlines selected by this Court. **Included in the Court's minute entry will be a date setting forth the deadline for the parties' submission of the next Joint Pre-Trial Memorandum.** The subsequent pre-trial memorandum, in addition to the requirements of Ariz. R. Civ. P. Rule 16, shall address in detail the discovery completed to date and what discovery remains outstanding.

If, at any time, the parties' believe a telephonic or in-person pretrial conference is necessary or warranted, they should address the reasons in the proposed Scheduling Order.

If a Joint Proposed Scheduling Order is not timely submitted as ordered, the Court will place the matter on the Inactive Calendar for dismissal.

IT IS FURTHER ORDERED that all motions, responses, replies and other Court requested filings in this case must be submitted individually. Counsel shall not combine any motion with a responsive pleading. All motions are to be filed separately and designated as such. No pleadings will be accepted if filed in combination with another.

The proposed order shall include dates for the following items and conform substantially with the attached sample order.

1. **An agreed upon schedule and date for completion of non-expert deposition.** As far as can seasonably be anticipated, each party shall set forth the depositions they anticipate taking and the approximate time required for each; any and all medical examinations which may be required of any of the parties; the person or persons to conduct such examinations; all requests for production; and all tangible evidence to be disclosed or exchanged.
2. **A date for the final disclosure of the identities subject matters and reports of expert witnesses,** and/or to supplement disclosure made to date.
3. **A date or dates for the initial and final disclosure of all non-expert witnesses,** and/or supplemental disclosures made to date.

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4. **A date by which all written discovery will be propounded and concluded.** Further, counsel shall set forth any written discovery outstanding and a date when it will be complete.
5. The position of each counsel on whether the Rule 38.1 time limits should be waived.
6. **A proposed date for a Mandatory Settlement Conference pursuant to Rule 16.1. Alternatively, the parties may propose a deadline by which they will participate in private mediation.**
7. **A date for completion of all discovery, including expert discovery.**
8. **A date by which all dispositive or partially-dispositive motions shall be filed.**
9. **Once discovery has been completed, a proposed trial date** agreed upon by all counsel and anticipated length of trial.

If the parties agree as to the dates, they need to only prepare and submit the proposed order attached hereto. If counsel are unable to agree on any of the items set forth in the attached form of order, the reasons for their inability to agree shall be set forth in the Pretrial Memorandum and each shall prepare a separate proposed order. **All proposed deadlines shall be set forth as calendar dates, and not in the form “XX” days before trial.”**

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PROPOSED SCHEDULING ORDER

The Court having received the parties Joint Comprehensive Pretrial Conference Memorandum,

IT IS ORDERED entering the following schedule for disclosure as set forth unless the parties obtain written modifications by the Court.

- (1) Initial disclosures shall be exchanged by: **(MM/DD/YYYY)**
- (2) The identities and subject area of expert testimony shall be disclosed by: **(MM/DD/YYYY)**
- (3) Plaintiff's final expert disclosures shall be served by: **(MM/DD/YYYY)**
Defendant's final expert disclosures shall be exchanged by: **(MM/DD/YYYY)**
Rebuttal expert disclosures shall be exchanged by: **(MM/DD/YYYY)**
- (4) Final Non-expert disclosures shall be exchanged by: **(MM/DD/YYYY)**
- (5) Written discovery shall be propounded by: **(MM/DD/YYYY)**
- (6) Dispositive Motions shall be filed by: **(MM/DD/YYYY)**
- (7) Depositions shall be completed by: **(MM/DD/YYYY)**
- (8) Discovery shall be completed by: **(MM/DD/YYYY)**
- (9) Any motions to amend pleadings shall be filed by: **(MM/DD/YYYY)**
- (10) The parties remaining in this action shall participate in comprehensive mediation by: **(MM/DD/YYYY)**

IT IS ORDERED setting Status Conference in this matter on [counsel to leave this date blank], (time allotted: 15 minutes), in this Division.

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**THE HONORABLE J. RICHARD GAMA
JUDGE OF THE SUPERIOR COURT
MARICOPA COUNTY
201 WEST JEFFERSON
CENTRAL COURT BUILDING
COURTROOM 701
PHOENIX AZ 85003
602-506-1245**

Effective April 15, 2014 new civil rules and forms are in effect for managing cases moving to trial. Be sure to review the new Civil Rules 16, 26, 37, 38, 72 through 74 and 77.