

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-007758

04/08/2016

HONORABLE DAWN M. BERGIN

CLERK OF THE COURT  
C. EWELL  
Deputy

DESERT PEAK HOMEOWNERS  
ASSOCIATION

TROY B STRATMAN

v.

PINNACLE AT DESERT PEAK  
CONDOMINIUM ASSOCIATION, THE

ALEXIS M FIREHAWK

BENCH TRIAL SET

East Court Building – Courtroom 713

10:00 a.m. This is the time set for a Trial Setting Conference. Counsel, Emily H. Mann (appearing in place of Troy B. Stratman), is present on behalf of the Plaintiff. Counsel, Alexis G. Firehawk, is present on behalf of the Defendant. All parties are appearing telephonically.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Plaintiff's counsel advises that the parties participated in a mediation, but it was unsuccessful. Discovery is on track.

**IT IS ORDERED:**

1. Setting a Trial Management Conference on **October 7, 2016 at 3:00 p.m.**
2. This matter is set for **Trial to the Court on October 31, 2016 beginning at 9:30 a.m.**

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Length of trial: One (1) Day.

**Before:**

**THE HONORABLE DAWN BERGIN  
MARICOPA COUNTY SUPERIOR COURT  
EAST COURT BUILDING  
101 W JEFFERSON  
7<sup>TH</sup> FLOOR, COURTROOM 713  
PHOENIX, AZ 85003  
602-372-2961 TEL**

**DUTIES PRIOR TO THE TRIAL MANAGEMENT CONFERENCE**

**IT IS ORDERED** that the dispute resolution procedures outlined below shall apply to the following circumstances: (1) the parties have a discovery dispute that needs to be addressed; (2) one party seeks to compel another party to take some action; or (3) a party intends to seek sanctions against another party. Under any of these circumstances, counsel for the movant shall contact the Court's Judicial Assistant and all other counsel to advise them of his/her request for a telephonic hearing. The moving party shall, **by close of the following business day**, email or fax to the Court's Judicial Assistant a one-page summary of the dispute. The opposing parties shall email or fax a responsive one-page summary **within two business days** of receiving the movant's summary. No exhibits shall be included with the summaries. If, after reviewing a summary, the Court determines that it needs additional documents, division staff will contact the attorneys. The summaries will be filed with the clerk by the Court. Once the Court receives a summary from each party, the Court's Judicial Assistant will contact the parties to schedule a telephonic conference. The email address for the Court's Judicial assistant, Susan Whitaker, is [whitakers@superiorcourt.maricopa.gov](mailto:whitakers@superiorcourt.maricopa.gov), and the fax number for the Division is 602-372-8566.

**IT IS FURTHER ORDERED** that pursuant to Rule 7.2(b), all motions *in limine* shall be filed no later than **5:00 p.m. on September 7, 2016**.

**IT IS FURTHER ORDERED** that no party shall include more than one motion in a single filing and shall not combine a response and motion in one filing.

**IT IS FURTHER ORDERED** that motions *in limine* shall not exceed three pages in length and responses to motions *in limine* shall not exceed two pages.

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1. **JOINT PRETRIAL STATEMENT.** Counsel shall file with the Court no later than **5:00 p.m. on September 23, 2016, a Joint Pretrial Statement** signed by all counsel.
  - a) **Deposition Summary:** In addition to the information required by Rule 16(d), counsel shall at the Trial Management Conference provide to the Court copies of any deposition transcripts to be used at trial.
  - b) **Final Trial Witnesses:** In addition to the information required by Rule 16(d), the Joint Pretrial Statement shall include an exhibit titled: **Final Trial Witness List**. This list shall contain the name of each witness a party actually intends to call at trial, the day on which they intend to call each witness and the estimated time needed for direct, cross and re-direct examination.

**DUTIES AT TRIAL MANAGEMENT CONFERENCE**

2. At the Trial Management Conference, counsel shall be prepared to discuss:
  - a) Stipulations for the foundation and authenticity of exhibits.
  - b) Agreed-upon deposition summaries and excerpts from deposition transcripts and the editing of any videotaped depositions.
  - c) Use of short-trial or summary jury trial.
  - d) Any special scheduling or equipment issues.
3. The dates set forth in this Order are FIRM dates and will not be extended or modified by this Court absent good cause. Lack of preparation will not ordinarily be considered good cause.

**NOTE:** All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

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**PROCEDURES FOR SUBMITTING EXHIBITS TO BE MARKED**

Exhibits are due to the clerk no later than **5:00 p.m. on October 7, 2016**. The parties shall contact the division clerk at **602-506-1485** to make arrangements for delivering exhibits.

Counsel shall submit two sets of their exhibits, one for marking and one for the bench. The bench copy shall be submitted in a binder(s) with number tab dividers.

Depositions will NOT be marked as exhibits. If you plan to read from a deposition or use the deposition for impeachment purposes, you will need to supply an ORIGINAL to the courtroom clerk for filing. Copies will not be filed with the clerk.

- A list with a generic description of each exhibit should be provided. The list should contain the case number, the caption, scheduled trial date and the party submitting the exhibits.
- Exhibits will be marked numerically and consecutively. If your list refers to an exhibit and it is not provided at the time of marking, the numbers of all following exhibits will be moved up. In addition, if duplicate exhibits are submitted, the clerk will remove the duplicate and the numbering will be adjusted accordingly. To avoid confusion during trial, it is essential that counsel avoid submitting duplicate exhibits. *The clerk cannot reserve numbers for exhibits that will be provided at a later date.* Exhibits will be marked as they are received. If Defendant's exhibits are received prior to Plaintiff's exhibits, the Clerk may mark them first with Plaintiff's exhibits following.
- Each exhibit shall be stapled. If an exhibit is too large to be stapled, that exhibit shall be **securely fastened in order to prevent page separation during witness/jury review. (Note: Black binder clips are NOT considered securely fastened. I suggest you use the silver two-prong fasteners).**
- Exhibits should be separated by a colored sheet of paper or a tabbed divider sheet. The colored sheet or tabbed divider shall reflect the number of the exhibit and should be placed on top of the exhibit.
- Counsel are strongly discouraged from marking exhibits they do not anticipate using during trial. Counsel shall only submit those exhibits to the Clerk they know will actually be used during trial. If counsel wish a document to be used during the course of trial, that document can be marked as an exhibit at that time.

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- Blow-ups and large items may only be used for demonstrative purposes. You may bring them to court to use during trial; however, if you would like them to be marked as an exhibit, please submit an 8 ½ x 11 photo of the item.

10:04 a.m. Matter concludes.