

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2022-094351

04/05/2024

HONORABLE RODRICK COFFEY

CLERK OF THE COURT  
L. Mooney  
Deputy

BRITTNEY HILLYARD

BYRON BROWNE

v.

EUVORI L L C, et al.

RINA K RAI

CADENCE HILLYARD  
NO ADDRESS ON RECORD  
SYDNEY LEWIN  
CHRISTOPHER E KUZIA  
CV ARBITRATION  
JUDGE COFFEY

**TRIAL TO JURY SET**

Courtroom 205 - SEA

10:30 a.m. This is the time set for Telephonic Status Conference re: setting a trial date. Counsel, Christopher E Kuzia, is present telephonically on behalf of Plaintiff(s), who are not present. Counsel, Sydney Lewin, is present telephonically on behalf of Defendant(s), who are not present.

A record of the proceedings is made digitally in lieu of a court reporter.

Discussion is held.

The Court having determined that trial should now be set in this case,

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**IT IS ORDERED:**

1. A Trial Management Conference is set on **February 24, 2025 at 2:00 p.m. (2 hours allotted)**. All parties must appear in person and cannot appear telephonically.
2. This matter is set for **Trial to Jury** on **March 25, 2025 at 8:30 a.m. (4 days allotted)** before:

**THE HONORABLE RODRICK J. COFFEY**  
Maricopa County Superior Court  
Southeast Judicial District  
222 E. Javelina Avenue  
Courtroom 205  
Mesa, Arizona 85210  
(602) 372.1783

**Scheduled Trial days are March 25, 2025, March 26, 2025,  
March 27, 2025 and March 28, 2025.**

Trial hours are from 9:00 a.m. to 4:30 p.m. daily, except for the first day of Trial which starts at 8:30 a.m. The Court will take two 15-minute recesses, one in the morning and one in the afternoon. The lunch recess will be from 12:00 p.m. to 1:30 p.m.

**THIS IS A FIRM TRIAL SETTING.**

**Duties Prior to Trial**

1. **Dispositive & Daubert Motions.** The deadline for filing dispositive motions, including Rule 56 motions, has expired. All *Daubert* motions shall be filed no later than **August 30, 2024.**
2. **Motions in Limine.** All Motions *in Limine* shall be filed no later than **January 27, 2025.** Such motions must meet the test of *State v. Superior Court*, 108 Ariz. 396, 499 P.2d 152 (1972): “The primary purpose of a Motion *in Limine* is to avoid disclosing to the jury prejudicial matters which may compel a mistrial.” *See also*, Ariz. R. Evid. 103(c). Written responses to Motions *in Limine* may be filed no later than ten (10) calendar days thereafter. The Court may rule on Motions *in Limine* without oral argument. No replies shall be filed. The parties must comply with Rule 7.2(a), *Arizona Rules of Civil Procedure*, prior to filing any Motion *in Limine*. Additionally, each party is limited to no more than three Motions *in Limine*. The Court will not consider more than three Motions

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*in Limine* from each party unless that party obtaining leave from the Court to file additional Motions *in Limine*.

**PLEASE NOTE:** This division requires that all motions, responses, replies, and other Court-requested filings in this case 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.

3. **Joint Pretrial Statement.** A Joint Pretrial Statement in accordance with Rule 16(f), *Arizona Rules of Civil Procedure*, shall be filed no later than **5:00 p.m. on February 14, 2025**. In addition to the information required by Rule 16, the Joint Pretrial Statement shall include:
  - A. **A 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 the witness will be called, and the **estimated time needed for direct, cross, and re-direct examination** (see Witness Information Form attached).
  - B. An agreed-upon number of jurors to be seated as the final panel, including any alternates, whether or not the alternates will deliberate, and an agreed-upon verdict ratio in accordance with the number of jurors deliberating.
  - C. Whether or not the Rule of Exclusion of Witnesses is invoked.
4. **Jury Instructions and Voir Dire Questions.** Counsel shall meet and agree on as many proposed jury instructions as possible. Counsel shall file with their Joint Pretrial Statement **(the Judge would appreciate counsel providing a copy of the jury instructions request in Microsoft Word on CD):**
  - A. Proposed *voir dire* questions.
  - B. A joint set of agreed-upon preliminary and final jury instructions and proposed forms of verdicts.
  - C. Separate sets of requested instructions that have not been agreed upon. Please read *Rosen v. Knaub*, 175 Ariz. 329; 85 P.2d 381 (1993) and the RAJI Civil 3d Statement of Purpose and Approach before preparing requests for non-RAJI instructions.

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Recommended Arizona Jury Instructions (RAJI) need not be typed and may be requested in the following manner: RAJI 3d Standard 1 - Duty of Jurors. Non-RAJI instructions should be typed. Each instruction should cover only one subject.

**Jury Selection**

The Court uses the “struck” method for jury selection. The parties will be permitted to conduct their own *voir dire* after the Court completes its *voir dire*. The purpose of *voir dire* is to secure a fair and impartial jury and not to educate the jury as to the legal/factual theories espoused by a particular party.

**Duties at the Trial Management Conference**

1. Counsel shall be prepared to argue Motions *in Limine* if the Court deems necessary.
2. Counsel shall be prepared to discuss:
  - A. Time limits in *voir dire*, opening statements, examination of witnesses, and closing arguments.
  - B. Preliminary jury instructions, mini opening statements, and *voir dire*.
  - C. Agreed-upon deposition summaries and excerpts from deposition transcripts and the editing of any videotaped depositions.
  - D. Any special scheduling or equipment issues.

**Procedures for Submitting Exhibits to be Marked for Trial**

1. Provide **an exhibit list with a brief description of each exhibit**. The list should contain the case number, the caption, the scheduled trial date, and **the party (Plaintiff/Defendant) submitting the exhibits**. Counsel should confer and insure there are NO duplicate exhibits submitted.
2. Exhibits will be marked numerically and consecutively.
  - A. **Each exhibit must be stapled or fastened with an Acco binder and must be separated by a numbered, colored sheet of paper or by a numbered, tabbed divider. DO NOT STAPLE THE TABBED DIVIDER OR THE COLORED**

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**SHEET OF PAPER TO THE EXHIBIT. If the exhibits are voluminous, they must be contained in a Banker's box.**

- B. Plaintiff's exhibits are marked first, followed by Defendant's. Accordingly, the numbering of Defendant's exhibits will start at the number following the last of Plaintiff's exhibits. (For example, Plaintiff submits 82 exhibits, which will be marked as exhibits 1 through 82; Defendant submits 63 exhibits, which will be marked as exhibits 83 through 145.) Please do not combine the parties' exhibits. Each side's exhibits must be submitted separately and in numerical order.
- C. **Do NOT use subsections of exhibits**, e.g., 4a or 4.001. If subsections are used, each subsection will be marked as the next consecutive number and your exhibit list numbers will not match the Court's exhibit list numbers. Please use the next consecutive number for each exhibit.
- D. Do not leave blank spaces as numbers will not be held. If there is a blank, the next exhibit will be marked consecutively to the previously numbered exhibit.
3. Blow-ups and large items may be used only for demonstrative purposes during trial. If you would like a demonstrative exhibit marked as an exhibit, you must provide/submit an 8 ½" x 11" copy of the item for marking.
4. **Depositions are NOT marked as exhibits.** Counsel must present **ORIGINAL** depositions for filing at the same time that exhibits are provided. **ORIGINAL** depositions are filed by the division clerk.
5. **EXHIBITS MUST BE DELIVERED:**
- All exhibits you would like to have a Judicial Officer consider during your hearing need to be electronically emailed or hand-delivered directly to the Division at the Southeast Regional Court, **no later than February 10, 2025.**
  - You must submit a copy of all exhibits submitted to the Court to the opposing party no later than fourteen (14) days prior to your hearing.
  - Whether hand-delivering or emailing exhibits, an Exhibits Coversheet **must** be completed and submitted as the top coversheet of your exhibits. The Exhibit Coversheet must include your case number, the case caption, the date of your hearing, the Judicial Officer assigned to your case, and the name of the party submitting the exhibits.

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- Each exhibit must be separated by an Exhibit Slip Sheet to clearly identify individual exhibits. If exhibits are not clearly separated, they will be combined as one (1) document.
- Please note that any media-type exhibits (i.e., flash drives, CDs, etc.) cannot be marked at this time.
- Copies of exhibits **cannot** be made at the Law Library Resource Center. Please have adequate copies of all exhibits for your reference with you at the time of your hearing.

**For electronic and in-person exhibit submission, please visit, <https://www.clerkofcourt.maricopa.gov/services/exhibits-submission>. The webpage will provide instructions and guidance for electronic submission as well as locations for in-person submission of exhibits.**

*The parties are directed to meet in person to exchange exhibits before coming to court. The parties shall make sure that they do not bring to the clerk a set of exhibits that includes duplicate exhibits.*

- 6. The parties are strongly discouraged from marking exhibits they do not anticipate offering 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 offered and should be initially marked as trial exhibits in this case.**
7. The witness and exhibit lists shall contain no surprises. Any information sought by other discovery devices and revealed for the first time on the witness and/or the exhibit list will be inadmissible at trial.

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. Counsel are reminded to promptly notify the Court of any settlement pursuant to Ariz. R. Civ. P. Rule 5.3(d).

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.

A trial date now having been set, the parties may, without leave of the Court, modify the deadlines previously set in the previously filed Scheduling Order, using the trial date as a guideline

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for the new dates. Should the parties reach an impasse in their discussions to modify the deadlines, they may contact the Court for the setting of a telephonic status conference.

The trial will take place in the Superior Court's e-courtroom. A record of the proceedings will be made digitally in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings for a \$30.00 charge. If a CD is requested, please obtain a form from the courtroom clerk or from the Self -Service Center to request a daily copy of a court hearing or trial proceeding being conducted and pay the applicable fee **at the Self-Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at (602) 506.7100**. Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call (602) 506.7100 and provide the date of the proceeding, the case number, the case caption, and your name, address, and telephone number. Indicate if the transcript is for an appeal.

**With this technology, a court reporter is likely not required and the parties are encouraged to experience the court's video recording system before requesting 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.

**WITNESS INFORMATION FORM**

**WITNESSES FOR PLAINTIFF(S)**

	WITNESS NAME	DIRECT	CROSS
1			
2			
3			
4			
5			

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<b>6</b>			
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**DIRECT & CROSS EXAMINATION TOTAL:** \_\_\_\_\_

**WITNESSES FOR DEFENDANT(S)**

	WITNESS NAME	DIRECT	CROSS
<b>1</b>			
<b>2</b>			
<b>3</b>			
<b>4</b>			
<b>5</b>			
<b>6</b>			

**DIRECT & CROSS EXAMINATION TOTAL:** \_\_\_\_\_

**TOTAL WITNESS TIME ESTIMATE:** \_\_\_\_\_

TIME ESTIMATE FOR:	PLAINTIFF		DEFENDANT
<b>OPENING STATEMENT</b>			
<b>CLOSING ARGUMENT</b>	1st:	2nd:	

Discussion is held regarding a Joint Scheduling Order.

10:38 a.m. Matter concludes.