

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-001014

05/17/2005

HONORABLE PETER C. REINSTEIN

CLERK OF THE COURT
M. Sahli
Deputy

FILED: 05/19/2005

M C O PROPERTIES L P, et al.

PAUL E GILBERT

v.

NORTH HEIGHTS PROPERTY OWNERS
ASSOCIATION INC

CHARLES E MAXWELL

MINUTE ENTRY

8:25 a.m. In chambers. This is the time set for Telephonic Comprehensive Pretrial Conference. All parties appear telephonically. Plaintiff is represented by counsel, Roger Wright. Defendant is represented by counsel, Charles Maxwell.

No court reporter is present.

Discussion is held.

IT IS ORDERED Adopting by reference, as an Order of the Court, the Joint Pretrial Statement. The terms of the memorandum shall govern, unless inconsistent with any provisions of this minute entry. References to "counsel" shall be read to include unrepresented parties.

All discovery shall be completed no later than July 1, 2005.

All non-expert witnesses shall be disclosed no later than August 15, 2005.

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IT IS FURTHER ORDERED setting this matter for a 3-day jury trial for **Tuesday, October 18, 2005.**

The Honorable PETER C. REINSTEIN
Maricopa County Superior Court
Old Courthouse
125 W. Washington, Courtroom 303
Phoenix, Arizona 85003
(602) 506-6368

THIS IS A FIRM TRIAL SETTING

Trial days are normally 9:30 a.m. to 4:30 p.m., Tuesday through Friday.

PRETRIAL MOTIONS:

1. All dispositive motions shall be filed at least **90 days before trial**.
2. Any Motions *in Limine* shall be filed **thirty (30) days before the PTMC**. Motions in Limine may and shall be filed only in accordance with Rule 7.2, Rules of Civil Procedure (effective December 1, 2004). Prior to filing any Motion in Limine, the parties must meet and confer. Unless prior written leave of court is obtained for good cause shown, no party may file more than three (3) Motions in Limine, including subparts.
3. All other pretrial motions shall be filed at least **60 days before trial**. Motions not filed in accordance with these deadlines will not be considered.

A Pretrial Management Conference (PTMC) is set for **October 6, 2005 at 8:30 a.m.** in this division. Time allotted: **30 minutes**.

At the PTMC, counsel who will try the case shall appear and be prepared to discuss and resolve:

- A. Time limits for *voir dire*, opening statements, witness examinations and closing arguments.
- B. Stipulations and objections regarding witnesses and exhibits. If time permits, the court will rule on objections.
- C. Jury instructions, juror notebooks and verdict forms.
- D. Deposition summaries and excerpts from depositions including objections thereto.

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- E. Scheduling, equipment or interpreter issues.
- F. Status of settlement efforts.
- G. Motions in *limine* and other pending motions.
- H. Other matters addressed in the updated joint pretrial statement.

A joint pretrial statement (JPTS) is due three judicial days before the trial. The following shall be filed with the JPTS:

- A. Proposed *voir dire* questions.
- B. A list to be read to the jury with names of all witnesses who may testify.
- C. A set of agreed-upon jury instructions.
- D. Separate sets of requested instructions that have not been agreed upon. (Review *Rosen v. Knaub*, 175 Ariz. 329, 857 P.2d 381 (1993) and the RAJI Civil 3d Statement of Purpose before requesting non-RAJI instructions.)
- E. Proposed findings of fact and conclusions of law (if a request for same has been or will be filed).
- F. A stipulated brief summary of the case, which the court can read at the outset of *voir dire*.

***** ATTORNEYS AND ASSISTANTS---PLEASE READ NUMBER G CAREFULLY*****

G. All exhibits shall be exchanged 30 days before trial. Counsel shall confer regarding exhibits so that duplicates are avoided. **Counsel or their designated representative shall call the division clerk at (602) 506-3813 no later than 10:00 a.m. ten days before trial to make arrangements for marking exhibits and to inform the clerk the number of exhibits counsel intend to mark for identification prior to trial.** The exhibits will be marked serially with Plaintiff's first, Defendant's second. Counsel shall advise the clerk, by signed stipulation or on the record, which exhibits may be marked **directly into evidence**. Original depositions are provided to the clerk for the record and are not marked as exhibits.

The parties have agreed to schedule a settlement conference through a private mediator no later than August 30, 2005.

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

8:32 a.m. Matter concludes.