

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-052755

05/03/2007

HON. PAUL A KATZ

CLERK OF THE COURT
W. Bobrowski
Deputy

CARPEDIEM INVESTMENTS L L C

BRIAN G LESTER

v.

DESERT MOUNTAIN MASTER
ASSOCIATION, THE, et al.

MATTHEW B MEAKER

SCOTT M DRUCKER
MARIO F ESCUDERO
10421 E SCOPA TRAIL
SCOTTSDALE AZ 85262

JURY TRIAL SET

8:42 a.m. This is the time set for Telephonic Pretrial Scheduling Conference. Plaintiff is represented by counsel, Brian G. Lester. Defendants Desert Mountain are represented by counsel, Matthew B. Meaker. Defendants Kenny, Foltz and Realty Executives are represented by counsel, Scott M. Drucker. Defendant Mario Escudero is neither present nor represented by counsel.

A recording of this proceeding is being made by CD (FTR) in lieu of a court reporter.

Discussion is held.

IT IS ORDERED:

1. Adopting the stipulated deadlines set forth in the parties' Joint Pretrial Memorandum filed on or about April 26, 2007.

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2. All discovery in this case will be completed no later than **October 11, 2007**.
3. The parties having advised the Court that they have a settlement conference scheduled for May 29, 2007.

IT IS FURTHER ORDERED:

1. This matter is set for Trial to a Jury on **December 11, 2007 at 8:30 a.m.**

Estimated length of trial is: **3-4 days**.

THIS IS A FIRM TRIAL SETTING. If counsel have any pre-existing conflicts with said trial date, they shall notify the Court, in writing, within five (5) days from today's date.

2. The joint pretrial statement in accordance with Rule 16(d), Arizona Rules of Civil Procedure, is due by **5:00 p.m. on November 13, 2007**. In addition to the information required by Rule 16(d), counsel are to identify in/with the joint pretrial statement all deposition or other transcribed testimony that may be offered at trial. The proposed testimony is to be identified by reference to page and line numbers. Objections, if any, to such testimony, and the reasons for such objections, are also to be set forth. **Exhibits for trial shall be consecutively numbered and presented to the Clerk for marking in accord with the joint pretrial statement. Please DO NOT place exhibits in a notebook when submitting them to the Court.**

3. Motions in limine shall be due no later than **November 13, 2007**. Said 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."

4. Responses to motions in limine shall be due no later than **November 20, 2007**. No replies shall be filed.

5. No less than five (5) judicial days prior to trial, counsel (or the parties) shall file:

A. Requested jury instructions and any voir dire questions counsel request that the Court ask.

The Judge would appreciate counsel providing a copy of the jury instruction requests on IBM-compatible double-sided, high density 3.5 inch diskettes, in Microsoft Word.

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B. Any trial memoranda (optional), which will be in lieu of post-trial briefs unless otherwise requested by the Court at the conclusion of the trial.

C. Proposed findings of fact and conclusions of law (if a request for findings of fact and conclusions of law has been or will be filed).

6. All motions (except motions in limine) shall be filed no later than **August 11, 2007** so they can be scheduled, briefed, argued and decided prior to trial.

7. **At least one week before trial**, the trial lawyers shall make an appointment for themselves or their knowledgeable assistants to meet with the Clerk of this division (602-372-7725) to present all exhibits and a list of exhibit descriptions. All trial exhibits shall have been exchanged prior to that time. **No duplicate exhibits shall be presented for marking. If either party fails to comply with the steps for marking exhibits, that party's exhibits may be precluded from being marked at trial.** Please **DO NOT** place exhibits in a notebook when submitting them to the Court.

8. Opinions of experts fairly sought and revealed in deposition or other discovery shall not be supplemented at trial.

9. 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 or exhibit lists will be inadmissible at trial.

10. All documents and pleadings described above shall be hand-delivered, telefaxed or e-mailed to opposing counsel on the date they are delivered to the Court.

8:49 a.m. Hearing concludes.