

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-053132

05/22/2009

HONORABLE BRIAN R. HAUSER

CLERK OF THE COURT
W. Tenoever
Deputy

DOMINICK ABATEMARCO

BRIAN M BERGIN

v.

CANTERRA AT SQUAW PEAK
CONDOMINIUM ASSOCIATION INC

MARK A HOLMGREN

TRIAL RESET

9:00 a.m. This is the time set for Final Pretrial Conference. Plaintiff is represented by counsel, Brian M. Bergin and Brian J. Foster. Defendant is represented by counsel, Mark A. Holmgren, J. Roger Wood and Kellie J. Callahan.

Court Reporter, Melody O'Donnell, is present as well as a record of the proceedings being made by audio and/or videotape.

Trial to a Jury is confirmed for June 1, 2009 at 9:00 a.m. in this division. The estimated length of trial is: 4 days.

Trial protocol is discussed.

Each side will have five preemptory strikes.

Counsel agree that the jury in this case will consist of eight jurors plus one alternate juror. Seven of the nine jurors will be necessary to return a verdict in this case. Counsel further agree that the alternate juror can deliberate.

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Discussion is held regarding jury selection, bench conferences, offers of proof, examination of witnesses, making objections, and questions from the jury.

The Rule of Exclusion of Witnesses is invoked.

Discussion is held regarding Plaintiff's Motion for Order to Show Cause and how it affects the June 1, 2009 trial date.

IT IS ORDERED vacating the Trial to a Jury set for June 1, 2009 and resetting the same to **October 28, 2009 at 9:30 a.m.** in this division. Estimated length of trial: 5 days.

IT IS FURTHER ORDERED that Plaintiff's Motion to Amend Complaint and Plaintiff's Motion for Order to Show Cause are considered lodged for response and reply at this time.

IT IS FURTHER ORDERED that the court will withhold ruling on the pending motions in limine until the time of the next Final Pretrial Conference.

IT IS FURTHER ORDERED setting a Final Pretrial Conference/Oral Argument on Motions in Limine for **October 16, 2009 at 9:00 a.m.** (1 hour allotted) in this division.

IT IS FURTHER ORDERED that no later than October 21, 2008, the trial lawyers shall make an appointment for themselves or their knowledgeable assistants to meet with the Clerk of this division (602-372-7723) 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.**

IT IS FURTHER ORDERED taking Defendant's request for the parties to participate in mandatory private mediation under advisement.

9:33 a.m. Hearing concludes.

LATER:

IT IS ORDERED that the parties shall participate in a settlement conference through private mediation by August 31, 2009.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>