

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-052655

05/10/2018

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
W. Tenoever
Deputy

MICHAEL BERENT, et al.

KRISTIN M. ROEBUCK

v.

GRAZYNA MROCZKOWSKA, et al.

DEBRA S BROCKWAY

MARIA R KUPILLAS

JURY TRIAL SET

Courtroom 102 - NE

8:44 a.m. This is the time set for Status/Scheduling Conference. Plaintiff Nancy Berent is present telephonically and represented by counsel, Kristin M. Roebuck, who appears telephonically. Defendants Marta Mroczkowska and Miroslaw Mroczkowski are present telephonically and represented by counsel, Debra S. Brockway, who appears personally. Defendant Grazyna Mroczkowska has waived her appearance. Defendant Bell West Ranch Homeowners Association Inc. is represented by counsel, Maria R. Kupillas, who appears personally.

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

Discussion is held.

IT IS ORDERED:

1. This matter is set for Trial to a Jury on **April 29, 2019 at 9:00 a.m.** before Judge Campagnolo.

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PLEASE NOTE: Effective June 25, 2018, all cases assigned to Judge John R. Hannah will be re-assigned to Judge Ted Campagnolo due to judicial calendar rotations. Judge Campagnolo will be located at the Northeast Regional Court, 18380 N. 40th St., Suite G, Phoenix, Arizona 85032 (telephone: 602-372-0537).

Estimated length of trial is: **5 days**.

Trial days are Monday through Thursday. Trial hours are 9:00 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m. each day.

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.

Setting a Final Pretrial Conference/Oral Argument on Motions in Limine on **April 12, 2019 at 9:00 a.m.** (time allotted: 90 minutes) before Judge Campagnolo.

2. The joint pretrial statement in accordance with Rule 16(g), Arizona Rules of Civil Procedure, is due by **5:00 p.m. on March 25, 2019**. In addition to the information required by Rule 16(g), 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.**

3. Motions in limine shall be due no later than **March 25, 2019**. 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."

Unless prior written leave of Court is obtained for good cause shown, no party may file more than three (3) motions *in limine*, limited to three (3) pages in length including all subparts. The parties shall not file motions denominated as "*in limine*" that are, in substance, late-filed motions for summary judgment.

4. Responses to motions in limine shall be due no later than **April 1, 2019**. No replies shall be filed.

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

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

For the preliminary jury instructions, counsel are directed to craft a set of instructions that explains to the jury what the issues in the case are and defines the law that frames those issues.

The Judge would appreciate counsel providing a copy of the jury instruction requests on a CD in Microsoft Word.

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. Any PowerPoint or other computer presentations to be used by any expert witness during the witness's testimony shall be disclosed at the time of disclosure of the expert report and in no event any later than 30 days prior to the taking of the expert's deposition.

7. No later than **April 22, 2019**, counsel or their designated representative shall deliver all trial exhibits along with a list of exhibit descriptions to the clerk of this division. All trial exhibits shall have been exchanged prior to that time. No duplicate exhibits shall be presented for marking. The exhibits will be marked numerically and consecutively. Plaintiff(s) exhibits will be marked first followed by Defendant(s). Exhibits will be marked as they are received. The clerk cannot reserve numbers for exhibits that will be provided at a later date. Subsections of exhibits will be marked as the next available number. Do NOT use subsections of exhibits (ex. 4a or 4.1). Please use the next consecutive number. Please DO NOT place exhibits in 3-ring binders when submitting them to the court.

Original depositions are provided to the clerk for filing and are not marked as exhibits. Counsel shall present original depositions at the same time the exhibits are presented.

Charts, blow-ups and oversize items may be used for demonstrative purposes; however, if they are to be marked as an exhibit, an 8 ½ x 11 photocopy or photograph of the oversized item must be provided and will be substituted for the oversize item at the end of trial.

If either party fails to comply with the steps for marking exhibits, that party's exhibits may be precluded from being marked at trial.

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8. 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.

NOTE: All court proceedings are recorded digitally 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.

9:04 a.m. Hearing concludes.