

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2002-008702

06/13/2003

HONORABLE CATHY M. HOLT

CLERK OF THE COURT  
E. Schneider  
Deputy

FILED: 06/17/2003

MONTANA DEL SOL CONDOMINIUM  
ASSOCIATION

JOYCE J KAPSAL

v.

JWE SPRING OAKS LLC, et al.

JONATHAN C BURWOOD

JULIE W RHOADES  
DAVID S ROSENTHAL  
M DUNCAN SCOTT  
ANDREW PESHEK  
JACK G BARONE  
MICHAEL WARZYNSKI  
ADAM B CAMPBELL  
DENNIS REID GARREY  
MELISSA W RAWLINSON  
JOHN T GILBERT  
JOSEPH A KULA  
JOSEPH B SWAN JR.  
DOCKET-CIVIL-CCC  
R GARY WINGER  
RAY QUINNEY & NEBEKER  
PO BOX 45385  
SALT LAKE CITY UTAH 84145-0385

MINUTE ENTRY

This is the time set for a Rule 16 Pretrial Conference. Plaintiff is represented by Joyce J. Kapsal. Defendant JWE Spring Oaks, LLC is represented by Jonathan C. Burwood. Defendant Creekstone Builders is represented by Julie Rhoades. Defendants Central Valley Specialists and Red Rock Curb are represented by Jack Barone. Defendants United Subcontractors, Catalina Roofing and Supply and Hiltys International are represented by M. Duncan Scott. Adam B. Docket Code 089

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Campbell is co-counsel for Defendant Hiltys International. Defendant Hart Plumbing of Arizona is represented by Andrew Peshek. Defendants Ace Masonry Company, Bob Charles Row and Rock Island Corp. are represented by Michael Warzynski and Douglas Fitch. Defendant Rich Engineering is represented by Melissa Rawlinson.

Court Reporter: Denise Couvaras

Pursuant to Stipulation,

IT IS ORDERED that the law firm of Brady, Vorwerck, Ryder & Caspino, P.C., by and through its attorneys Steven Bartell and M. Duncan Scott, are hereby substituted in place of Brian Henry, Rina Rai and Jack Barone of the law firm of Inafrete & Rai, P.L.C, as counsel for Catalina Roofing & Supply, all in accordance with the formal written Order signed by the Court on June 13, 2003.

Counsel advise that they will be filing a Joint Motion to Transfer this case to the Complex Civil Litigation Department. This Joint Motion will be filed by the close of business on July 7, 2003 and shall be submitted to Civil Presiding Judge Downie.

On stipulation,

IT IS ORDERED:

1. Plaintiff shall disclose its experts and their opinions by: September 15, 2003.
2. Defendants shall disclose their experts and their opinions by: October 31, 2003.
3. Third-Party Defendants shall disclose their experts and their opinions by: Decemeber 10, 2003.
4. Discovery cutoff: May 1, 2004.

The Court adopts the other deadlines for disclosure and discovery set forth in the parties' Joint Pretrial Conference Memorandum (Revised), except as they may conflict with the deadlines contained in this trial setting minute entry.

Counsel advise that they will be submitted a formal written Scheduling Order for the Court's approval.

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IT IS ORDERED:

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1. This matter is set for trial to a jury on **Tuesday, September 14, 2004 at 9:30 a.m.** in this division.

**NOTE: JUDGE HOLT'S DIVISION IS LOCATED IN THE OLD COURTHOUSE, 125 W. WASHINGTON, 3<sup>RD</sup> FLOOR, SUITE 309, PHOENIX, ARIZONA 85003 (TEL: (602) 506-3105).**

Estimated length of trial is: 5 weeks

THIS IS A FIRM TRIAL SETTING.

2. A Trial Management Conference is set on **Tuesday, September 7, 2004 at 8:30 a.m.** for three (3) hours.

The joint pretrial statement in accordance with Rule 16(d), A.R.C.P., is due by 5:00 p.m., five (5) days prior to the Trial Management Conference. 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.

3. No less than thirty (30) days prior to the Trial Management Conference, counsel (or the parties) shall file: Motions in limine, which 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." Written responses to a motion in limine may be filed no later than ten (10) days before the Trial Management Conference. **If the parties' Motions contain citations to out-of-state cases, that party shall provide the Court with copies of those cases.**

4. No less than five (5) judicial days prior to the Trial Management Conference, 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.

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).

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5. All motions (except motions in limine) shall be filed no later than sixty (60) days prior to trial so they can be scheduled, briefed, argued and decided prior to trial.

6. 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 before 3:00 p.m. two court days before trial, presenting all exhibits. The exhibits will be marked serially as they are listed in the pretrial statement - plaintiff's first, defendant's second. Please advise the Clerk, referring specifically to the pretrial statement, which exhibits may be marked directly in evidence.

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

8. 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.

9. All documents and pleadings described above shall be delivered or telefaxed to opposing counsel on the date they are delivered to the Court.