

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-013537

06/21/2007

HONORABLE HELENE ABRAMS

CLERK OF THE COURT  
C.I. Miller  
Deputy

ROBERT FORMAN

G DAVID GAGE

v.

GAIAM INC, et al.

ROBERT J BRUNO

JOSEPH A KULA  
LAWRENCE A PESHKIN

**RULING ON MOTION TO SET**

The court has received and reviewed Plaintiff's Motion to Set and Certificate of Readiness and Defendants Gaiam Inc. and Gaiam International's Controverting Certificate to Plaintiff's Motion to Set and Certificate of Readiness.

**IT IS ORDERED** removing this case from the Inactive Calendar.

Counsel are to submit a Joint Pretrial Memorandum and Proposed Scheduling Order as described herein which the court will review. The court may adopt or modify the proposed schedule and will set a scheduling conference for the purpose of setting a trial date. The court will not set a trial date until after the parties have completed discovery and participated in a mandatory settlement conference where the decision maker for each party is present.

**IT IS FURTHER ORDERED** that counsel for the Plaintiff(s) and Defendant(s) shall meet personally to discuss those subjects listed under A.R.C.P., Rule 16(b); and then prepare and file a Joint Pretrial Memorandum and Proposed Scheduling Order **no later than September 17, 2007**, addressing all applicable subjects listed under Rule 16(b). In addition, a brief description

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of the nature of the case, the issues, and each party's position with respect to the issues, the estimated length of the trial and a proposed trial date.

If the parties are unable to agree on any of the items in the Joint Pretrial Memorandum, the reasons for their inability to agree shall be set forth in the memorandum and each shall prepare a separate Proposed Scheduling Order. The parties are reminded that the court may impose sanctions against counsel and/or their clients for failure to participate in good faith in the Joint Pretrial Memorandum. If counsel believe that a Pretrial Conference is still necessary at this stage of the litigation, they should address the reasons for the need for a Pretrial Conference in the first paragraph of the Joint Pretrial Memorandum.

If the parties agree as to the scheduling dates, they need only prepare and submit the Proposed Scheduling Order in the format below. **All proposed deadlines shall be set forth as calendar dates, and not in the form of "XX days before trial."**

[PROPOSED] SCHEDULING ORDER

The court having received the parties' Joint Comprehensive Pretrial Conference Memorandum,

IT IS ORDERED entering the following schedule for disclosure as set forth unless the parties obtain written modifications by the court:

- (1) Initial disclosures shall be exchanged by: **(MM/DD/YYYY)**
- (2) The identities and subject areas of expert testimony shall be disclosed by: **(MM/DD/YYYY)**
- (3) Plaintiff's final expert disclosures shall be served by: **(MM/DD/YYYY)**  
Defendant's final expert disclosures shall be exchanged by: **(MM/DD/YYYY)**  
Rebuttal expert disclosures shall be exchanged by: **(MM/DD/YYYY)**
- (4) Final Non-expert disclosures shall be exchanged by: **(MM/DD/YYYY)**
- (5) Written discovery shall be propounded by: **(MM/DD/YYYY)**
- (6) Dispositive Motions shall be filed by: **(MM/DD/YYYY)**

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- (7) Depositions shall be completed by: (MM/DD/YYYY)
- (8) Discovery shall be completed by: (MM/DD/YYYY)
- (9) Any motions to amend pleadings shall be filed by: (MM/DD/YYYY)
- (10) The parties remaining in this action shall participate in comprehensive mediation/settlement conference by: (MM/DD/YYYY).

**IT IS ORDERED** setting a Status Conference in this matter on [counsel to leave this date blank] \_\_\_\_\_, (time allotted: 15 min.), before.

**HONORABLE CAREY SNYDER HYATT  
JUDGE OF THE SUPERIOR COURT  
EAST COURT BUILDING  
101 W. JEFFERSON  
5th FLOOR, COURTROOM 514  
PHOENIX, AZ 85003  
(602) 506-3566 TEL  
(602) 506-5873 FAX**

**E-Courtroom Policies**

The proceedings will take place in the Superior court's "e-courtroom." A record of the proceedings may be made by videotape in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may purchase a CD for a cost of \$20.00. Questions may be directed to Ken Crenshaw, Administrator, Electronic Records Services, (602) 506-7100 or [kcrensha@superiorcourt.maricopa.gov](mailto:kcrensha@superiorcourt.maricopa.gov).

**Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it.** With this new technology, a court reporter is likely not required and the parties are encouraged to experience the court's video recording system before requesting a court reporter. **If a court reporter is required, the court must receive a written request at least 48 hours before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.**

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