

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-097453

05/31/2016

HON. DAVID K. UDALL

CLERK OF THE COURT
K. Tiero
Deputy

NORTH CANYON RANCH OWNERS
ASSOCIATION

SAMUEL C RICHARDSON

v.

PAMELA J ALLEN, et al.

DENNIS BROOKSHIRE

BANK OF AMERICA NATIONAL
ASSOCIATION
NO ADDRESS ON RECORD
FIRST NATIONAL OF NEBRASKA INC
NO ADDRESS ON RECORD
FIRST INTERNATIONAL OF
NEBRASKA INC
NO ADDRESS ON RECORD

MINUTE ENTRY

The Court has received the Joint Report submitted by the parties on May 20, 2016; however, no Scheduling Order has been received.

Pursuant to Rule 16(b), Ariz. R. of Civ. P., amended, which became effective on April 15, 2014, the parties shall submit a Scheduling Order no later than **June 30, 2016**, for discovery, motion and disclosure deadlines, **in the form attached hereto**, which is substantially in the form set forth in Forms 11-13, Ariz. R. Civ. P. 84, Appendix of Forms. **Counsel shall upload and e-file all proposed orders in WORD format to allow for possible modification by the Court if needed.**

If counsel are unable to agree on any of the items that are to be included in the Order, the reasons for their inability to agree shall be set forth in their Proposed Order.

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Upon entry of the Scheduling Order, the Court will schedule a status conference as soon as possible following the deadline for the completion of discovery for the purpose of assigning a trial date. At the status conference, if the parties have completed discovery and are ready for trial, the Court will set firm dates for the final pretrial management conference and for trial. If the parties are not ready for trial, the matter may be placed on the Dismissal Calendar for dismissal within sixty (60) days.

PROPOSED SCHEDULING ORDER
STANDARD CASE

Upon consideration of the parties' Joint Report, the court orders as follows:

1. Initial disclosure: The parties have exchanged their initial disclosure statements, or will exchange them no later than _____.

2..Expert witness disclosure: The parties shall simultaneously disclose areas of expert testimony by _____. (Alternative: Plaintiff shall disclose areas of expert testimony by _____, and Defendant shall disclose areas of expert testimony by _____.)

The parties shall simultaneously disclose the identity and opinions of experts by _____. (Alternative: Plaintiff shall disclose the identity and opinions of experts by _____, and Defendant shall disclose the identity and opinions of experts by _____.)
The parties shall simultaneously disclose their rebuttal expert opinions by _____.

3..Lay (non-expert) witness disclosure: The parties shall disclose all lay witnesses by _____. (Alternative: The parties shall disclose lay witnesses in the following order, and by the following dates _____.)

4. Final supplemental disclosure: Each party shall provide final supplemental disclosure by _____. This order does not replace the parties' obligation to seasonably disclose Rule 26.1 information on an on-going basis and as it becomes available.

No party shall use any lay witness, expert witness, expert opinion, or exhibit at trial not disclosed in a timely manner, except upon order of the court for good cause shown or upon a written or an on-the-record agreement of the parties.

5. Discovery deadlines: The parties will propound all discovery undertaken pursuant to Rules 33 through 36 by _____. The parties will complete the depositions of parties and

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lay witnesses by _____, and will complete the depositions of expert witnesses by _____. The parties will complete all other discovery by _____. (“Complete discovery” includes conclusion of all depositions and submission of full and final responses to written discovery.)

6. Settlement conference or private mediation: [choose one]:

Referral to ADR for a settlement conference: The clerk of the court will issue a referral to ADR by a separate minute entry.

OR

Private mediation: The parties shall participate in mediation using a private mediator agreed to by the parties. The parties shall complete the mediation by _____.

All attorneys and their clients, all self-represented parties, and any non-attorney representatives who have full and complete authority to settle this case shall personally appear and participate in good faith in this mediation, even if no settlement is expected. However, if a non-attorney representative requests a telephonic appearance and the mediator grants the request prior to the mediation date, a non-attorney representative may appear telephonically.

No settlement conference or mediation: A settlement conference or private mediation is not ordered.

7. Dispositive motions: The parties shall file all dispositive motions by _____.

8. Trial setting conference: On _____ [the court will provide this date], the court will conduct a telephonic trial setting conference. Attorneys and self-represented parties shall have their trial calendars available for the conference. Counsel for Plaintiff shall be responsible for initiating the conference call by calling this Division at **602-506-5514**, with all participating counsel and self-represented parties on the line, at the scheduled time.

NOTE: This Court utilizes FTR for an electronic record of the proceedings. However, any party may request the presence of a court reporter by contacting the Division three (3) court business days before the scheduled hearing.

9. Firm dates: No stipulation of the parties that alters a filing deadline or a hearing date contained in this scheduling order will be effective without an order of this court approving the stipulation. Dates set forth in this order that govern court filings or hearings are FIRM dates, and

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may be modified only with this court's consent and for good cause. This court ordinarily will not consider a lack of preparation as good cause.

10. Further orders: The court further orders as follows:

This case is removed from the Dismissal Calendar and all requirements of Rule 38.1 of Ariz. R. Civ. P. are waived unless and until otherwise ordered by the Court.

DATE

JUDGE OF THE SUPERIOR COURT