

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2019-006642

06/04/2019

HON. SHERRY K. STEPHENS

CLERK OF THE COURT
T. DeRaddo
Deputy

SPRINGFIELD COMMUNITY ASSOCIATION ERIN E MCMANIS

v.

WILLIAM W ENGLE, et al.

KRISTIN M. ROEBUCK

ALTERNATIVE DISPUTE
RESOLUTION - CCC
JUDGE STEPHENS

**CONSOLIDATED TRIAL ON THE MERITS SET
REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION OFFICE**

East Court Building - Courtroom 712

8:30 a.m. This is the time set for a return hearing on an Order to Show Cause why Defendants, William W. Engle and Sharon D. Engle should not have a permanent injunction entered against them. Appearing on behalf of Plaintiff, Springfield Community Association, is counsel, Erin E. McManis. Appearing on behalf of Defendants, William W. Engle and Sharon D. Engle, is counsel, Kristin Roebuck.

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

Discussion is held regarding the status of the matter and regarding discovery.

Plaintiff requests that an evidentiary permanent injunction hearing and trial on the merits be held together.

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Discussion is held regarding settlement efforts. The parties report that they are amenable to participating in a settlement conference.

IT IS ORDERED referring this case to the Court's Alternative Dispute Resolution Office for the appointment of a Judge *Pro Tempore* to conduct a settlement conference. Counsel and/or the parties will receive a minute entry from ADR appointing the Judge Pro Tempore. Counsel and any "pro per" parties will contact the appointed Judge Pro Tempore to arrange the date, time and location for the settlement conference. The Judge *Pro Tempore* is requested to conduct a settlement conference not later than **August 15, 2019**. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office.

All counsel and their clients, or non-lawyer representatives who have full and complete authority to settle this case, shall personally appear and participate in good faith in this settlement conference even if no settlement is expected.

TRIAL INFORMATION

IT IS FURTHER ORDERED setting a consolidated Trial on the Merits and Evidentiary Hearing re permanent injunction hearing on **October 2, 2019 at 9:00 a.m.** (Time allotted: One day)

IT IS FURTHER ORDERED setting a *telephonic* Final Trial Management Conference on September **18, 2019 at 9:00 a.m.** (Time allotted: 30 minutes)

Honorable Sherry Stephens
Maricopa County Superior Court
101 W. Jefferson, East Court Building, Suite 712
Phoenix, 85003
(602) 506-4818

DUTIES PROR TO FINAL TRIAL MANAGEMENT CONFERENCE

A Joint Pretrial Statement (JPTS) must be filed no later than **September 12, 2019**. In addition to the materials required by Ariz.R.Civ.P. 16(g), counsel shall meet prior to the Final Trial Management Conference in order to discuss and prepare the following, which shall be filed with or included in the JPTS:

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- A Final Trial Witness List. This list shall contain the name of each witness a party actually intends to call at Trial, the day on which they intend to call each witness and the estimated time needed for direct, cross and re-direct examination. (see Witness Information Form attached)
- Whether or not the Rule of Exclusion of Witnesses is being invoked.

Findings of Fact and Conclusions of Law: This matter is set for a trial to the bench. Any party who requests Rule 52 Findings of Fact and Conclusions of Law shall file a written request no later than thirty (30) days prior to trial. A party who makes this request shall file Proposed Findings of Fact and Conclusions of Law no later than twenty (20) days after the trial concludes, unless otherwise ordered by the Court. Any party who did not request Rule 52 findings may file its own Proposed Findings of Fact and Conclusion of Law by the same deadline. In addition to filing the Proposed Findings of Fact and Conclusions of Law, an electronic version in Word or Word-compatible format shall be provided to the Division's Judicial Assistant. If Proposed Findings of Fact and Conclusions of Law are not filed as ordered, the request shall be deemed waived.

DUTIES AT TRIAL MANAGEMENT CONFERENCE

Counsel/parties shall be prepared to discuss:

- Agreed-upon deposition summaries and excerpts from deposition transcripts and the editing of any videotaped depositions.
- Any special scheduling or equipment issues.
- Any information contained in the Joint Pretrial Statement.

EXHIBITS

The parties shall refer to the last page of the minute entry for information regarding the proper procedures for submitting exhibits to be marked for trial in this division. Please contact the Clerk of this division at **602-506-1471** for further information.

No later than **September 18, 2019**, all parties shall deliver their exhibits to the clerk (**any deviation from this date must be approved by the clerk**). *The parties are directed to meet in person to exchange the exhibits before coming to court and, to the extent possible, remove any duplicate exhibits.* The clerk will not hold or reserve exhibit numbers for any party. If an exhibit has not been submitted by the time of marking, the clerk will assign the next exhibit with that number.

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IT IS ORDERED that any exhibit in excess of 20 pages shall be bates stamped.

Exhibits are marked in numerical order per party, making it necessary to mark all of one party's exhibits before marking the other party's. Accordingly, the Defendant's exhibits numbering shall start at the next number following the last of Plaintiff's exhibits. Please do not combine the parties' exhibits. Each side's exhibits must be submitted separately and in numerical order.

If the parties stipulate to any exhibits being received in evidence, the parties shall provide a signed stipulation as to said exhibits (**lack of objection to an exhibit in the Joint Pretrial Statement is not taken to signify that the exhibit is automatically received in evidence**). If large demonstrative exhibits are submitted for marking, a smaller version, such as a photograph, must also be provided in case the exhibit is received in evidence.

With regard to trial exhibits, the parties are strongly discouraged from marking exhibits they do not anticipate offering during trial. Each exhibit must be separately and securely bound by a staple, prong, or in a binder of some sort. Exhibits not securely bound or are bound with only a binder clip or rubber bands will not be accepted and will be returned.

One day's jury fees will be assessed unless the Court is notified of settlement before 2:00 p.m. on the judicial day before the Trial. The parties are reminded to promptly notify the Court of any settlement pursuant to Rule 5.3(d), Ariz.R.Civ.P.

8:45 a.m. Matter concludes.

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WITNESS INFORMATION FORM

Please note that there are approximately 5 hours of trial time per day excluding two 15-minute breaks and 1½ hours for lunch. It generally takes a half day to select a jury unless it's a much longer trial.

VOIR DIRE EXAMINATION, OPENING STATEMENT AND CLOSING ARGUMENT

TIME ESTIMATE FOR:	
PLAINTIFF'S OPENING STATEMENT	
DEFENDANT'S OPENING STATEMENT	
PLAINTIFF(S) VOIR DIRE	
DEFENDANT(S) VOIR DIRE	
PLAINTIFF'S CLOSING	
DEFENDANT'S CLOSING	

Estimate of Time for Witness Examination

PLAINTIFF'S WITNESSES	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION

Estimate of Time for Witness Examination

DEFENDANT'S WITNESSES	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION

The foregoing are based on the best estimates of counsel of the time reasonably needed to complete the necessary examination of the witnesses listed.

Counsel for Plaintiff

Counsel for Defendant

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GUIDELINES WHEN PREPARING EXHIBITS

Exhibits will be marked consecutively. If your list refers to an exhibit and that exhibit is not provided at the time of marking, the numbers of all following exhibits will be moved up. In addition, Do not submit duplicate exhibits, to avoid confusion during trial, it is essential that counsel confer to avoid submitting duplicate exhibits. *The clerk cannot reserve numbers for exhibits that will be provided at a later date.* Exhibits will be marked as they are received. If Defendant's exhibits are received prior to Plaintiff's exhibits, the clerk may mark them first with Plaintiff's exhibits following. Do not list "Any and all exhibits listed by" Depositions will not be marked as an exhibit. **Original** depositions to be used for impeachment purposes shall be provided to the clerk on the first day of trial to be hand-filed by the clerk.

Counsel are to provide a workable list of exhibits. The list should include a title or description of each exhibit. (See blank sample of an exhibit table below as a reference.) Do not put numbers on the exhibits; however a COLORED slip sheet with the exhibit number on it should be placed in front of each exhibit. **DO NOT** staple the colored slip sheet to the exhibit.

Note: Please provide a binder of exhibits for the court. Separate exhibits with dividers.

Each multiple page exhibit must be securely fastened together by staple or other means (do not submit loose sheets of paper, except for the colored slip sheet). NO PAPER CLIPS, BINDER CLIPS, OR RUBBER BANDS may be used. If Acco fasteners are used they must be long enough to fasten securely.

Exhibit Description Information:

- The descriptions should be verifiable when viewing the first page of the exhibit.
- If counsel are submitting large charts, blow-ups or maps, please include a small version (or photo) which can be marked as the exhibit and can go into the jury if in evidence. The blow-ups, charts and/or maps can be used as demonstrative but will not be marked as exhibits and will be returned to counsel.
- If photo(s) will be marked, submit those not stipulated too individually.

For additional assistance in preparation of exhibits contact the clerk at 602-506-1471.

Exhibit No.	Identified By	Description	Stipulated in Evidence/Objection