

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-052655

06/12/2020

HONORABLE ANDREW J. RUSSELL

CLERK OF THE COURT
A. Wood
Deputy

MICHAEL BERENT, et al.

KRISTIN M. ROEBUCK

v.

GRAZYNA MROCKOWSKA, et al.

DEBRA S BROCKWAY

KELSEY DRESSEN
COMM. RUSSELL

BENCH TRIAL SET

Courtroom 108 - NE

10:00 a.m. This is the time set for telephonic Trial Setting Conference. Plaintiff Nancy Berent is present with counsel, Kristin M Roebuck. Defendant Marta Mroczkowska and Miroslaw Mroczkowska are represented by counsel, Debra S Brockway. Defendant Bell West Ranch Homeowners Association Inc., is represented by counsel, Kelsey Dressen.

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

Court and counsel discuss the status of the case and scheduling matters.

IT IS ORDERED setting a 4-day Bench Trial on **October 13-16, 2020 at 9:00 a.m.**
before:

**COMMISSIONER ANDREW J. RUSSELL
SUPERIOR COURT OF ARIZONA
NORTHEAST REGIONAL COURT CENTER
18380 NORTH 40TH STREET**

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**COURTROOM 108
PHOENIX, ARIZONA 85032**

THIS IS A FIRM TRIAL SETTING.

Please note that each day shall commence at 9:00 a.m. The lunch break will be taken at 12:00 p.m., with the afternoon session to begin promptly at 1:30 p.m. A fifteen (15) minute break will be taken both mid-morning and mid-afternoon, with the trial day to end at 4:30 p.m.

IT IS FURTHER ORDERED all trial exhibits shall be submitted for marking not later than **October 6, 2020**.

No information disclosed after the dates contained in the order may be used at the trial absent court order on motion and affidavit.

IT IS ORDERED that should any discovery disputes arise, prior to filing discovery motions, counsel shall MEET AND CONFER FACE TO FACE. If counsel are not able to resolve the dispute,

IT IS FURTHER ORDERED that any discovery motion must be accompanied by a Rule 37(2)(C) certification, to include that counsel have met face to face.

The proceedings will take place in the Superior Court's new "e-courtroom." A record of the proceedings will be made by FTR in lieu of a court reporter. With this new technology, a court reporter is 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 three (3) days prior to trial. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings for a \$30.00 charge. If a CD is requested, please obtain a form from the Self Center to request a daily copy of a court hearing or trial proceeding being conducted and pay the applicable fee. Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it.

If the parties are not familiar with the courtroom's technology, they are encouraged to set up an appointment with the court's technology liaison at 602.372.7876.

10:12 a.m. Matter concludes.

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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.

PRETRIAL MANAGEMENT ORDERS

IT IS ORDERED that the Joint Pretrial Statement (JPTS) in accordance with Rule 16(d), A.R.Civ.P., is due in this division by **5:00 p.m. on September 15, 2020**.

IT IS FURTHER ORDERED with the JPTS, counsel shall deliver to this division, copies of the following:

- A. A jointly completed time and witness estimate list.
- B. Proposed Findings of Fact and Conclusions of Law, if a request has been or will be filed. If no proposed Findings of Fact and Conclusions of Law is received, the request shall be deemed waived.
- C. Whether or not the Rule of Exclusion of Witnesses has been invoked.

DISPOSITIVE MOTIONS

All motions, other than motions in limine, shall be filed not later than ninety (90) days prior to the date set for trial.

Notices of Settlement

In accordance with the provisions of ARCP 41(a), to be effective, any Notice of Settlement or Dismissal providing for resolution of one or more pending claims that is filed after service by the opposing party's answer or dispositive motion, must be signed by each affected party (or appropriate counsel) prosecuting or defending against the claim(s) covered by the Notice. Each filed Notice shall state whether it resolves all pending issues in the case and constitutes a representation to the Court that the claims subject to the Notice have been fully resolved with respect to Notice signatories, and that the only further relief to be sought with respect to such claims is entry of an order that each signatory confirms is consistent with the agreement that gave rise to filing of the Notice.

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ATTACHED: SAMPLE FORMAT FOR TIME ESTIMATE FORM AND EXHIBIT PROCEDURES

CAUSE NUMBER

CASE CAPTION

PLAINTIFF'S COUNSEL

DEFENDANT'S COUNSEL

(NOTE: Add additional lines as needed for additional parties and or witnesses.)

TIME ESTIMATES FOR TRIAL

Opening Statement and Closing Argument

PLAINTIFF'S OPENING STATEMENT	
DEFENDANT'S OPENING	
PLAINTIFF'S CLOSING	
DEFENDANT'S CLOSING	
PLAINTIFF'S REBUTTAL	

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 FOR COUNSEL WHEN PREPARING **EXHIBITS** FOR USE IN COURT

COUNSEL PLEASE READ

Exhibits are due to the Court not later than by October 6, 2020

Exhibits will be marked consecutively, Plaintiff's exhibits are marked first and then Defendant's exhibits. **The clerk cannot reserve numbers for exhibits that will be provided at a later date.** To avoid confusion during trial, it is essential that counsel avoid submitting duplicate exhibits. *The clerk cannot reserve numbers for exhibits that will be provided at a later date.* 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/hearing to be hand-filed by the clerk.

Each multiple page exhibit must be securely fastened together by staple or other means. No rubber bands may be used. If Acco fasteners are used they must be long enough to fasten securely.

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

Exhibit Description Information:

The descriptions should be verifiable when viewing the first page of the exhibit.

Letter designations such as 5A, 5B, etc. shall not be used.

No bates stamp references or number of pages in documents should be used.

If counsel are submitting large charts, blow-ups or maps, please include a small version 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.

For additional assistance in preparation of exhibits contact the courtroom clerk at 602-372-7732.

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Sample of List of Exhibits to be provided to the courtroom clerk:

EXHIBIT LIST			
Exhibit No.	Identified By	Description	Legal Ground for Objection