

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-015126

07/11/2005

HONORABLE PETER C. REINSTEIN

CLERK OF THE COURT
M. Sahli
Deputy

FILED: 07/13/2005

EAGLE MOUNTAIN COMMUNITY
ASSOCIATION

WILLIAM F SHORE III

v.

EAGLE MOUNTAIN INVESTORS L L C

WILLIAM A NEBEKER

LEONARD M BELL
ROGER E BRODMAN
WILLIAM H DOYLE
ANDREW M FEDERHAR
DENISE J HENSLEE
CHRISTOPHER D HOSSACK
CRAIG L KELLER
MITCHELL J RESNICK
DEAN C ROBERTSON
G MICHAEL TRYON
MEREDITH L VIVONA
ROBERT H WILLIS
DAVID J CANTELME
JASON M KELLY

MINUTE ENTRY

8:49 a.m. In chambers. This is the time set for Telephonic Status Conference. William Nebeker, counsel for Eagle Mountain Investors is present in chambers. All other parties appear telephonically. Plaintiff is represented by counsel, William Shore. Defendant Eagle Mountain is represented by counsel, William Nebeker, Rick Carter, and Marcus Tappe. Defendant LR Contreras is represented by counsel, Leonard Bell. Defendant Construction Inspecting is represented by counsel, Roger Brodman. Defendant Carter & Burgess is represented by counsel,

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Denise Henslee and Jim Blair. Defendant Double D is represented by counsel, Craig Keller. Defendant Wheeler Construction is represented by counsel, Dean Robertson. Defendant Sahuaro is represented by counsel, Robert Willis. Defendant Brant & Greey is represented by counsel, John Even. Also present are David Cantelme and Jason Kelly.

No court reporter is present.

Discussion is held.

IT IS ORDERED affirming 10-day jury trial for March 7, 2006.

IT IS FURTHER ORDERED affirming Final Pretrial Management Conference set for February 27, 2006 at 8:30 a.m. in this division.

PRETRIAL MOTIONS:

1. All dispositive motions shall be filed at least **90 days before trial**.
2. Any Motions *in Limine* shall be filed **thirty (30) days before the PTMC**. Motions in Limine may and shall be filed only in accordance with Rule 7.2, Rules of Civil Procedure (effective December 1, 2004). Prior to filing any Motion in Limine, the parties must meet and confer. Unless prior written leave of court is obtained for good cause shown, no party may file more than three (3) Motions in Limine, including all subparts.
3. All other pretrial motions shall be filed at least **60 days before trial**. Motions not filed in accordance with these deadlines will not be considered.

At the PTMC, counsel who will try the case shall appear and be prepared to discuss and resolve:

- A. Time limits for *voir dire*, opening statements, witness examinations and closing arguments.
- B. Stipulations and objections regarding witnesses and exhibits. If time permits, the court will rule on objections.
- C. Jury instructions, juror notebooks and verdict forms.
- D. Deposition summaries and excerpts from depositions including objections thereto.

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- E. Scheduling, equipment or interpreter issues.
- F. Status of settlement efforts.
- G. Motions in *limine* and other pending motions.
- H. Other matters addressed in the updated joint pretrial statement.

A joint pretrial statement (JPTS) is due three judicial days before the PTMC. The following shall be filed with the JPTS:

- A. Proposed *voir dire* questions.
- B. A list to be read to the jury with names of all witnesses who may testify.
- C. A set of agreed-upon jury instructions.
- D. Separate sets of requested instructions that have not been agreed upon. (Review *Rosen v. Knaub*, 175 Ariz. 329, 857 P.2d 381 (1993) and the RAJI Civil 3d Statement of Purpose before requesting non-RAJI instructions.)
- E. Proposed findings of fact and conclusions of law (if a request for same has been or will be filed).
- F. A stipulated brief summary of the case, which the court can read at the outset of *voir dire*.

***** ATTORNEYS AND ASSISTANTS---PLEASE READ NUMBER G CAREFULLY*****

G. All exhibits shall be exchanged 30 days before trial. Counsel shall confer regarding exhibits so that duplicates are avoided. **Counsel or their designated representative shall call the division clerk at (602) 506-3813 no later than 10:00 a.m. ten days before trial to make arrangements for marking exhibits and to inform the clerk the number of exhibits counsel intend to mark for identification prior to trial.** The exhibits will be marked serially with Plaintiff's first, Defendant's second. Counsel shall advise the clerk, by signed stipulation or on the record, which exhibits may be marked **directly into evidence**. Original depositions are provided to the clerk for the record and are not marked as exhibits.

The parties have agreed to schedule a settlement conference through a private mediator.

One day's jury fees will be assessed unless the court is notified of settlement by 2:00 p.m. on the judicial day before trial.

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Discussion is held re disclosure of third-party defendants' expert witness.

IT IS ORDERED all expert witnesses and opinions (third-party defendants) shall be disclosed no later than **November 7, 2005**.

IT IS FURTHER ORDERED Plaintiff shall disclose any rebuttal opinion no later than **December 1, 2005**.

9:00 a.m. Matter concludes.