

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-052736

07/27/2010

HONORABLE BRIAN R. HAUSER

CLERK OF THE COURT
W. Tenoever
Deputy

ALEXA PHILIPS

NATALIE COLLINS

v.

OPTIMA D C H MANAGEMENT INC, et al.

BENJAMIN C THOMAS

JURY TRIAL SET

Courtroom 109 - NE

9:03 a.m. This is the time set for Telephonic Status Conference. Plaintiff Alexa Philips is represented by counsel, Natalie Collins. Defendants Optima DCH Management, Inc. and Optima Camelview Village Condominium Association are represented by counsel, Benjamin C. Thomas.

A record of the proceedings is being made by CD (FTR) in lieu of a court reporter.

Discussion is held.

IT IS ORDERED:

1. This matter is set for Trial to a Jury on **June 6, 2011 at 9:00 a.m.** before:

JUDGE BRIAN R. HAUSER
NORTHEAST REGIONAL COURT CENTER
18380 N. 40TH STREET

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-052736

07/27/2010

COURTROOM 109
PHOENIX, ARIZONA 85032
(602) 506-6086

Estimated length of trial is: **5 days**.

THIS IS A FIRM TRIAL SETTING. If counsel have any pre-existing conflicts with said trial date, they shall notify the Court, in writing, within five (5) days from today's date.

Setting a Final Pretrial Conference/Oral Argument on Motions in Limine for **May 27, 2011 at 9:00 a.m.** in this division (time allotted: 1 hour).

2. The joint pretrial statement in accordance with Rule 16(d), Arizona Rules of Civil Procedure, is due by **5:00 p.m. on May 9, 2011**. In addition to the information required by Rule 16(d), counsel are to identify in/with the joint pretrial statement all deposition or other transcribed testimony that may be offered at trial. The proposed testimony is to be identified by reference to page and line numbers. Objections, if any, to such testimony, and the reasons for such objections, are also to be set forth. **Exhibits for trial shall be consecutively numbered and presented to the Clerk for marking in accord with the joint pretrial statement.**

3. Motions in limine shall be due no later than **May 9, 2011**. Said motions must meet the test of *State v. Superior Court*, 108 Ariz. 396, 499 P.2d 152 (1972): "The primary purpose of a motion in limine is to avoid disclosing to the jury prejudicial matters which may compel a mistrial."

4. Responses to motions in limine shall be due no later than **May 16, 2011**. No replies shall be filed.

5. No less than five (5) judicial days prior to trial, counsel (or the parties) shall file:

A. Requested jury instructions and any voir dire questions counsel request that the Court ask.

The Judge would appreciate counsel providing a copy of the jury instruction requests on a CD in Microsoft Word.

B. Any trial memoranda (optional), which will be in lieu of post-trial briefs unless otherwise requested by the Court at the conclusion of the trial.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-052736

07/27/2010

C. Proposed findings of fact and conclusions of law (if a request for findings of fact and conclusions of law has been or will be filed).

6. Any PowerPoint or other computer presentations to be used by any expert witness during their testimony shall be disclosed at the time of their expert report and in no event any later than 30 days prior to the taking of their deposition. Any PowerPoint or other computer presentations to be used by counsel in their opening statements or closing arguments shall be disclosed no later than the date that the Joint Pretrial Statement is filed with the Court.

7. No later than **May 30, 2011**, counsel or their designated representative shall deliver all trial exhibits along with a list of exhibit descriptions to the clerk of this division. All trial exhibits shall have been exchanged prior to that time. No duplicate exhibits shall be presented for marking. The exhibits will be marked numerically and consecutively. Plaintiff(s) exhibits will be marked first followed by Defendant(s). Exhibits will be marked as they are received. The clerk cannot reserve numbers for exhibits that will be provided at a later date. Subsections of exhibits will be marked as the next available number. Do NOT use subsections of exhibits (ex. 4a or 4.1). Please use the next consecutive number. Please DO NOT place exhibits in 3-ring binders when submitting them to the court.

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 filing and are not marked as exhibits. Counsel shall present original depositions at the same time the exhibits are presented.

Charts, blow-ups and oversize items may be used for demonstrative purposes; however, if they are to be marked as an exhibit, an 8 ½ x 11 photocopy or photograph of the oversized item must be provided and will be substituted for the oversize item at the end of trial.

If either party fails to comply with the steps for marking exhibits, that party's exhibits may be precluded from being marked at trial.

For additional assistance in preparation of exhibits contact the courtroom clerk at (602) 372-7723.

8. Opinions of experts fairly sought and revealed in deposition or other discovery shall not be supplemented at trial.

9. The witness and exhibit lists shall contain no surprises; any information sought by other discovery devices and revealed for the first time on the witness or exhibit lists will be inadmissible at trial.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-052736

07/27/2010

10. All documents and pleadings described above shall be hand-delivered, telefaxed or e-mailed to opposing counsel on the date they are delivered to the Court.

9:07 a.m. Hearing concludes.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division three (3) court days before the scheduled hearing.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>