

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-092690

06/30/2014

HON. DAVID K. UDALL

CLERK OF THE COURT
L. Mooney
Deputy

DANIEL A DOWNS, et al.

J ROGER WOOD

v.

COTTONWOOD ESTATES COMMUNITY
ASSOCIATION

R COREY HILL

BENCH TRIAL SET

Courtroom – SEF 205

10:04 a.m. This is the time set for Order to Show Cause Return Hearing regarding Plaintiff's Application for Permanent Injunction. Counsel, J. Roger Wood, is present and appears telephonically on behalf of the Plaintiffs, Daniel Downs and Susan Downs who are not present. Counsel, Corey Hill, is present on behalf of the Defendant, Cottonwood Estates Community Association, who is not present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding the status of the case. The parties have not come to a resolution.

IT IS ORDERED that counsel shall meet at their convenience prior to the bench trial to discuss a possible resolution to this case.

IT IS ORDERED:

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1. **TRIAL**

This matter is set for a Bench Trial on **January 23, 2015 at 1:30 p.m.** in this Division.

LENGTH OF TRIAL: **1/2 DAY**

HONORABLE DAVID K. UDALL
SOUTHEAST COURTHOUSE
222 EAST JAVELINA
COURTROOM 205
MESA AZ 85210

THIS IS A FIRM TRIAL SETTING

2. **SUBSTANTIVE MOTIONS**

All substantive motions, including motions for summary judgment, shall be filed no later than **October 24, 2014**.

3. Stipulations for the foundation, authenticity, and admission of exhibits. **All exhibits are due on January 9, 2015.**

A. Agreed-upon deposition summaries and excerpts from deposition transcripts and/or videotaped depositions.

B. Any special witness scheduling or equipment-related issues.

C. The allocation of trial time per party.

4. **FINAL JOINT PRETRIAL STATEMENT**

The Joint Pretrial Statement meeting the requirements of Ariz.R.Civ.P. 16(d)(2)(A)-(K) shall be delivered to this Division by **5:00 p.m. on January 2, 2015**. In addition to the requirements of Ariz.R.Civ.P. 16(d)(2)(A)-(K), the parties shall submit to the Court:

A. A statement by each party identifying all expert witnesses, the opinions of said experts, and a description of the factual/substantive basis for each such opinion.

B. A completed Witness Information Form.

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C. Trial memoranda (optional).

5. **MARKING EXHIBITS FOR TRIAL**

Trial counsel and self-represented litigants (“the parties”) are directed to personally meet **no later than December 23, 2014** to exchange trial exhibits and discuss the exhibits prior to submitting them to the Court for trial. At this meeting, the parties’ shall attempt to agree on authenticity, foundation, and admission of the exhibits to shorten the time spent on exhibits during the trial.

Exhibits are due to the Clerk on January 9, 2015.

IT IS ORDERED that counsel may call the Clerk, Kris Gilmet, at telephone **(602) 506-4560** with questions regarding exhibits. Counsel is required to email the Clerk a copy of the **Final Trial Exhibit List** in Microsoft Word Format. Email to the Clerk should be sent to gilmetk@cosc.maricopa.gov and opposing counsel and or/party shall be copied on any email.

IT IS FURTHER ORDERED:

1. Exhibits should be separated by a colored sheet of paper with the exhibit number written on front. Each exhibit shall be clipped or bound if too large to be stapled.
2. Provide a separate copy of exhibits to be referenced by the trial judge in a three-ring binder, each separated by a tabbed numbered divider.
3. Keep the descriptions of the exhibits simple. Do not use a description that cannot be verified by looking at the document or item. **Do not include Bates numbers** in your description of the exhibits.
4. Exhibits shall be marked numerically and consecutively -- 1, 2, 3 etc. **Do not skip numbers.** Numbers will not be skipped or saved in anticipation of additional exhibits to be submitted. Any missing or skipped exhibits shall be designated as “**Unused.**” Additional exhibits, if necessary, may be marked during the course of trial.
5. Counsel shall eliminate duplication of exhibits as duplicate **exhibits will not** be marked. Counsel shall, therefore, confer regarding exhibits to insure that there are no duplicates.
6. **Do not list depositions** on the exhibit description list as depositions will not be marked as exhibits. Original depositions shall be provided to the Clerk at the time of trial for filing into the court record. Counsel shall retain a copy of the depositions for their use

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during the trial as the original depositions remain with the Clerk to be used as reference by the trial judge during testimony.

7. Blow-up charts and large items may only be used for demonstrative purposes. Counsel may bring blow-up charts and large items for use during trial; however, if counsel would like any blow-up charts or large items marked as an exhibit, they must provide the Clerk with an 8-1/2 x 11 photograph of the item.

6. **DEPOSITIONS**

To the extent reasonably possible, the content of any deposition a party intends to offer in evidence shall be either summarized or relevant excerpts of the deposition shall be extracted. Videotape depositions shall be edited in the same manner. Deposition summaries and excerpts shall be exchanged by the parties prior to the Trial Management Conference. All deposition summaries and excerpts shall be provided to the Clerk of this Division at the time of the Trial Management Conference.

7. **WITNESS INFORMATION FORM**

Counsel for each party and any self-represented litigant shall meet **no later than January 2, 2015** to complete the Witness Information Form which is attached to this minute entry. The parties shall set forth the names of each witness and the estimated time required for direct and cross-examination. Time estimates shall also be set forth for opening statements and closing arguments. The completed form shall be submitted with the Joint Pretrial Statement. The Court will rely upon the Witness Information Form to predict the length of the trial for the jurors and to allocate the time allowed for each party to present its case to the jury.

Attachment: Witness Information Form.

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WITNESS INFORMATION FORM

WITNESSES FOR PLAINTIFF(S)

	WITNESS NAME	DIRECT REDIRECT	&	CROSS
1				
2				
3				
4				
5				
6				

DIRECT, REDIRECT & CROSS TOTAL: _____

WITNESSES FOR DEFENDANT(S)

	WITNESS NAME	DIRECT REDIRECT	&	CROSS
1				
2				
3				
4				
5				
6				

DIRECT, REDIRECT & CROSS TOTAL: _____

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TOTAL WITNESS TIME ESTIMATE: _____

TIME ESTIMATE FOR:	PLAINTIFF		DEFENDANT
OPENING STATEMENT			
CLOSING ARGUMENT	1 st :	2 nd :	

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 the division three (3) court business days before the schedule hearing.

10:10 a.m. Matter concludes.