

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2019-055353

06/28/2024

HONORABLE M. SCOTT MCCOY

CLERK OF THE COURT
T. DeRaddo
Deputy

JIE CAO, et al.

COLIN F CAMPBELL

v.

LORNE POLGER, et al.

STEPHANIE K GINTERT
NICHOLAS C NOGAMI
JUDGE MCCOY

RULE 16(d) SCHEDULING CONFERENCE SET

On the Court's own motion,

IT IS ORDERED setting a **virtual/telephonic** Rule 16(d) Scheduling Conference on **July 24, 2024 at 1:30 p.m.** (time allotted: **30 minutes**).

NOTE: All counsel (and any self-represented party) shall **appear via Court Connect videoconference** unless otherwise ordered.

Microsoft Teams meeting – Court Connect

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Or call in (audio only)

1-917-781-4590

Phone Conference ID# **441 101 510#**

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NOTE: Counsel shall have their calendars available for this proceeding. Additionally, counsel, if appearing telephonically, shall be available for the conference call on a telephone land line, if possible, instead of a cellular phone, in order to maximize all participants' ability to hear and be heard.

IT IS FURTHER ORDERED that the parties shall be prepared to discuss the following possibilities to limit litigation costs and to expedite early resolution of the case:

1. The scope of discovery, including discovery limitations and proportionality, particularly with respect to Electronically Stored Information (“ESI”), and the matters set forth in Rule 16(d)(3), *Arizona Rules of Civil Procedure*.
2. Sequencing of discovery to facilitate an early mediation/settlement conference, or the early resolution of dispositive or partially dispositive motions;
3. Submitting one or more issues for a bench trial;
4. Stipulations regarding ESI, claw-back agreements, protective orders;
5. The timing and forum for alternative dispute resolution;
6. The expected number of experts, their areas of expertise and deadlines for disclosure of expert opinions;
7. Whether any *Daubert* challenges are expected;
8. Sequencing of dispositive or partially dispositive motions; and
9. The Court’s dispute resolution order.

LET THE RECORD REFLECT that the discovery dispute resolution procedure for commercial court matters before this division apply to this case. If there is a discovery dispute, counsel for the movant shall contact opposing counsel directly to attempt to resolve the discovery dispute issue pursuant to Rule 37. Absent resolution, counsel for the movant may contact the Court’s Judicial Assistant and all other counsel to advise them of his/her request for a telephonic hearing. Each party shall thereafter email to the Court’s staff a **one-page** summary of the dispute. After all parties have emailed their summary of the dispute, and in order to preserve a record of the dispute, the **parties are to file a Joint Notice of Filing with the Clerk of Court, attaching their discovery dispute submissions**, as emailed to Court staff. Once the Court

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receives a summary from each party, the Court's Judicial Assistant will contact the parties to schedule a telephonic conference.

Email addresses for Court staff are as follows:

Judicial Assistant, Joni La Caria, Joni.LaCaria@jbazmc.maricopa.gov
Courtroom Assistant, John Inman, John.Inman@jbazmc.maricopa.gov
Division phone number: 602-372-3603

IT IS ORDERED that absent leave of Court for good cause shown, each party may file only one Motion for Summary Judgment.

IT IS FURTHER ORDERED that no party shall include more than one motion in a single filing or combine a response and a motion or a reply and a motion in one filing (with the exception of a true cross-motion for summary judgment). This order applies to requests for attorneys' fees or sanctions. Such requests must be made by separate motion.

IT IS FURTHER ORDERED that no party shall file supplemental briefing without leave of Court.

IT IS FURTHER ORDERED that all citations shall be included in the body of the brief and not in footnotes.

Counsel are cautioned against unnecessarily expanding the litigation as the Court will consider the litigation costs, the scope of discovery and proportionality of the instant matter when considering attorneys' fees.

NOTE: All court proceedings are recorded by audio and video method 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.