

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-019231

08/19/2005

HON. COLIN F. CAMPBELL

CLERK OF THE COURT
E. Schneider
Deputy

FILED: 08/23/2005

TROON NORTH ASSOCIATION

FREDERICK E DAVIDSON

v.

MICHAEL HUTCHINGS, et al.

GREGORY G MCGILL

JUDGE FIELDS

MINUTE ENTRY

In Chambers:

9:30 a.m. This is the time set for a status conference. Plaintiff Troon North Association is represented by Frederick E. Davidson. Defendant Michael Hutchings (the only remaining Defendant) is represented by Gregory McGill.

No court reporter is present.

Discussion is held.

THIS IS A NON-UNIFORM TRIAL SETTING ORDER. PLEASE READ CAREFULLY FOR COMPLIANCE.

IT IS ORDERED:

1. This matter is set for trial to the Court on **Monday, November 7, 2005 at 9:30 a.m.** in this division.

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 scheduled hearing.

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PLEASE NOTE: JUDGE CAMPBELL IS LOCATED IN THE OLD COURTHOUSE, 125 W. WASHINGTON, SUITE 309, PHOENIX, ARIZONA 85003 (TELEPHONE NUMBER (602) 506-3837).

Estimated length of trial: 2 days

THIS IS A FIRM TRIAL SETTING. A MOTION TO CONTINUE BASED ON LACK OF PREPARATION WILL NOT BE GRANTED.

2. A Trial Management Conference will be set at the time of oral argument on the pending motions.

The joint pretrial statement in accordance with Rule 16(d), A.R.C.P., is due by **5:00 p.m., September 30, 2005. If the joint pretrial statement is not filed by September 30, 2005, each side will pay \$50 per day to the Clerk of the Court until it is submitted. This is without prejudice to the Court ruling that one party is at fault and only that party is to be sanctioned.** 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, re also to be set forth.

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

A. 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.

B. 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).

4. All dispositive motions shall be filed no later than thirty (30) days prior to the trial management conference.

5. At least one week before trial, the trial lawyers shall make an appointment for themselves or their knowledgeable assistants to meet with the Clerk of this division before 3:00 p.m. two (2) court days before trial, presenting all exhibits. The exhibits will be marked serially as they are listed in the pretrial statement – plaintiff's first, defendant's second. Please advise the Clerk, referring specifically to the pretrial statement, which exhibits may be marked directly in evidence.

6. All documents and pleadings described above shall be delivered or telefaxed to opposing counsel on the date they are delivered to the Court.

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IT IS FURTHER ORDERED granting Defendant an extension to **September 16, 2005** to file a Response to Plaintiff's Motion for Reconsideration re: Court's Minute Entry dated February 3, 2005, filed February 7, 2005, or Motion for Clarification. No Reply will be filed.

IT IS FURTHER ORDERED setting oral argument on **Monday, September 19, 2005 at 1:30 p.m.** on the following pending motions:

1. Plaintiff's Motion to Compel (this Court vacates oral argument previously set for October 3, 2005 at 11:30 a.m. before Judge Fields).
2. Plaintiff's Motion for Reconsideration re: Court's Minute Entry dated February 3, 2005, filed February 7, 2005, or Motion for Clarification.
3. Plaintiff's Motion for Sanctions for Failure to Disclose Unfavorable Information.
4. Plaintiff's Motion that Facts be Taken as Established for Failure to Comply with Discovery Order.
5. Plaintiff's Motion for Default Judgment of Discover Resort Arizona, LLC
6. Plaintiff's Motion for Default Judgment of Discover Resorts, Inc.
7. Defendant Hutchings' Objection to Motion for Default Judgment Against Discover Resorts Entities and Plaintiff's Motion to Strike.

If the parties' Motions contain citations to out-of-state cases, that party shall provide the Court with copies of those cases.

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10:00 a.m. Hearing concludes.