

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-012986

08/02/2006

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
C.I. Miller
Deputy

NORTH CANYON RANCH OWNERS
ASSOCIATION

STEPHEN L TUNNEY

v.

GRO INDUSTRIES INC

VINCENT R MAYR

ALTERNATIVE DISPUTE
RESOLUTION - CCC

**COMPREHENSIVE PRETRIAL ORDER/
STATUS CONFERENCE SET**

The court has received and reviewed the parties' Joint Pretrial Conference Memorandum.

THIS IS NOT A TRIAL SETTING ORDER.

A Trial Date will be set only after the parties have complied with the mandatory settlement conference and the discovery requirements of this order.

The court adopts and incorporates all other deadlines set forth in the parties' Joint Pretrial Conference Memorandum, except as modified by this minute entry.

IT IS ORDERED that the parties shall participate in a Mandatory Settlement Conference. **A decision maker for each party must participate in the settlement conference.** This case is referred to the court's **Alternative Dispute Resolution Coordinator** for the appointment of a judge *pro tempore* to conduct a Settlement Conference **by January 31, 2007.** Counsel and/or the parties will receive a minute entry from ADR appointing the judge *pro*

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tempore. Counsel and any “pro per” party will contact the appointed judge *pro tempore* to arrange the date, time and location for the settlement conference. The judge *pro tempore* is requested to conduct a Settlement Conference no later than the above-noted date. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference, so please do not contact the ADR office.) If the parties elect to use a private mediator, each party must still be represented at the settlement conference by a decision maker.

If the parties pursuant to agreement prefer to use a private mediator to conduct the Settlement Conference, a Stipulation and Order Re: Alternative to ADR must be presented to the court by **no later than 5:00 p.m., on December 27, 2006.**

IT IS FURTHER ORDERED setting a Status Conference to Set Trial Date for **February 12, 2007, at 10:15 a.m. (15 mins.).**

IT IS FURTHER ORDERED as follows:

1. DISCLOSURE, DISCOVERY AND MOTIONS

- A. **Expert Witnesses (simultaneous disclosure):** All parties shall have exchanged a formal written designation and disclosure of name, subject matter, address, resume and opinions of **all trial experts by September 15, 2006.**
- B. **Non-Expert Witnesses (simultaneous disclosure):** Shall be designated by **October 1, 2006.**
- C. **Discovery Cut-Off:** All discovery shall be completed by **January 30, 2007.**
- D. **Rule 26.1:** All parties shall have exchanged up-to-date Rule 26.1 Supplemental Disclosure Statements including a disclosure of all final expert witness opinions by **March 12, 2007.** No information disclosed after this date may be used at trial absent court order on motion and affidavit. Such information must be seasonably disclosed on an ongoing basis pursuant to Rule 26.1 **prior** to this date.
- E. **Dispositive Motions.** Any dispositive motions shall be filed **no later than February 12, 2007.**

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2. MOTIONS IN LIMINE: This court generally decides all motions in limine at the Trial Management Conference to be set approximately ten (10) days before the start of the trial. If a motion in limine needs to be heard before the trial management conference, it is incumbent on the parties to bring it to the court's attention.

E-Courtroom Policies:

The proceeding will take place in the Superior Court's new "e-courtroom." A record of the proceedings may be made by videotape in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may purchase a CD for a cost of \$20.00.

Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. With this new technology, a court reporter is likely not required and the parties are encouraged to experience the court's video recording system before requesting a court reporter. If a court reporter is required, the court must receive a written request at least 48 hours before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.