

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-019613

08/03/2006

JUDGE DOUGLAS L. RAYES

CLERK OF THE COURT
C. Johnston
Deputy

MIRAGE CROSSING RESORT CASITAS
HOMEOWNERS ASSOCIATION INC

JOHN E CHAIX

v.

MIRAGE HOMES CONSTRUCTION INC, et al. LEE P BLAKE

JACK G BARONE
DOUGLAS H FITCH
MICHAEL J FRAZELLE
MICHAEL L GREEN
KYLE A ISRAEL
CRAIG A MCCARTHY
MITCHELL J RESNICK
JAN-GEORG ROESCH

RULE 16 SCHEDULING CONFERENCE SET

A Request for Scheduling Conference having been filed,

IT IS ORDERED setting this matter for a **Rule 16 Scheduling Conference** on **September 15, 2006, at 10:30 a.m.** in this division. **Counsel shall personally appear for the purposes of the Rule 16 Scheduling Conference.**

The proceedings will take place in the Superior Court's "e-courtroom." A record of the proceedings will be made by videotape and CD in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a videotape or CD of the proceedings for a \$20.00 charge. If a CD or videotape is requested, please obtain a form from the courtroom clerk or from the Self Service Center to request a daily copy of a court hearing or

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trial proceeding being conducted. Pay the applicable fee **at the Self Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the courtroom clerk or bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.** Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call 602-506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

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.

The Court has set aside 30 minutes for this conference. If all counsel feel significantly more or less time is required for the conference, the Court should be notified immediately.

All counsel are directed to meet personally before the scheduling conference to discuss all of the matters set forth in Rules 16(a) and (b), A.R.C.P. Counsel shall prepare and file with the Court **three working days** before the conference, a **Joint Pretrial Memorandum** addressing at least the following items:

1. An agreed-upon schedule for completion of discovery. As far as can reasonably be anticipated, each party shall set forth the depositions they anticipate taking and the approximate time required for each; any and all medical examinations which may be required of any of the parties; the person or persons to conduct such examinations; all requests for production; and all tangible evidence to be disclosed or exchanged.
2. A date for the final disclosure of expert witnesses, and/or to supplement disclosures made to date.
3. A date or dates for the final disclosure of all non-expert witnesses, and/or to supplement disclosures made to date.
4. The number of additional non-uniform interrogatories requested by each party and the reasons for the requests. Further, counsel shall set forth any written discovery outstanding and a date when it will be complete.

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5. The position of each counsel on whether the Rule 38.1 A.R.C.P. time limits should be waived.
6. A proposed date for a Mandatory Settlement Conference pursuant to Rule 16.1, A.R.C.P.
7. An agreed-upon date for compliance with Rule 16(d), A.R.C.P. The parties shall attach a copy of the Rule 16(g) form so the Court can issue the appropriate order for Alternate Dispute Resolution.
8. Set forth any discovery disputes to date or Rule 26.1 compliance issues.
9. A proposed trial date agreed upon by all counsel.

If counsel are unable to agree on any of the items of the Pretrial Statement, the reasons for their inability to agree shall be set forth in the Pretrial Statement.

Counsel are reminded that the Court will impose sanctions against counsel and/or their clients for failure to participate in good faith in the preparation of the Pretrial Statement or the conference.