

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-052755

08/05/2008

HONORABLE BRIAN R. HAUSER

CLERK OF THE COURT  
W. Bobrowski  
Deputy

CARPEDIEM INVESTMENTS L L C

CHAD ROBERT KAFFER

v.

DESERT MOUNTAIN MASTER  
ASSOCIATION, THE, et al.

ANGELA L POTTS

MARIO F AND GRACE ESCUDERO  
10421 E SCOPA TRAIL  
SCOTTSDALE AZ 85262

**JURY TRIAL SET**

3:31 p.m. This is the time set for Pretrial Scheduling Conference. Plaintiff is represented by counsel, Chad R. Kaffer. Defendant Desert Mountain Master Association is represented by counsel, Angela L. Potts and Quentin T. Phillips. Defendant Mario F. Escudero is present on his own behalf.

Court Reporter, Melody O'Donnell, is present.

Discussion is held.

The parties inform the court that all disclosure and discovery deadlines have passed, the parties have participated in a settlement conference and that this case is ready to be set for trial with the exception of Plaintiff's pending motion for leave to amend the complaint which will be responded to and ruled on in due course.

**IT IS ORDERED:**

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1. This matter is set for Trial to a Jury on **October 27, 2008 at 9:00 a.m.**

Estimated length of trial is: **4 days.**

**THIS IS A FIRM TRIAL SETTING.** If counsel have any pre-existing conflicts with said trial date, they shall notify the Court, in writing, within five (5) days from today's date.

Setting Oral Argument on Motions in Limine for **September 19, 2008 at 10:00 a.m.**  
(Time allotted: 2 hours).

Setting a Final Pretrial Conference for **October 17, 2008 at 9:00 a.m.** (Time allotted: 1 hour).

2. An updated joint pretrial statement in accordance with Rule 16(d), Arizona Rules of Civil Procedure, is due by **5:00 p.m. on September 29, 2008.** 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, are also to be set forth. **Exhibits for trial shall be consecutively numbered and presented to the Clerk for marking in accord with the joint pretrial statement.**

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

A. Requested jury instructions and any voir dire questions counsel request that the Court ask.

The Judge would appreciate counsel providing a copy of the jury instruction requests on a CD in Microsoft Word.

B. 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.

C. 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. Any PowerPoint or other computer presentations to be used by any expert witness during their testimony shall be disclosed at the time of their expert report and in no event any later than 30 days prior to the taking of their deposition. Any PowerPoint or other computer

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presentations to be used by counsel in their opening statements or closing arguments shall be disclosed no later than the date that the Joint Pretrial Statement is filed with the Court.

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 (602-372-7723) to present all exhibits and a list of exhibit descriptions. All trial exhibits shall have been exchanged prior to that time. **No duplicate exhibits shall be presented for marking. If either party fails to comply with the steps for marking exhibits, that party's exhibits may be precluded from being marked at trial.** Please **DO NOT** place exhibits in a notebook when submitting them to the Court.

6. Opinions of experts fairly sought and revealed in deposition or other discovery shall not be supplemented at trial.

7. The witness and exhibit lists shall contain no surprises; any information sought by other discovery devices and revealed for the first time on the witness or exhibit lists will be inadmissible at trial.

8. All documents and pleadings described above shall be hand-delivered, telefaxed or e-mailed to opposing counsel on the date they are delivered to the Court.

3:40 p.m. Hearing concludes.