

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-017609

08/01/2013

JUDGE DOUGLAS L. RAYES

CLERK OF THE COURT
T. Springston
Deputy

PENELOPE JOHNSON

CHRISTOPHER A LAVOY

v.

POINTE SOUTH MOUNTAIN RESIDENTIAL
ASSOCIATION, THE

BRIAN W MORGAN

PAUL R NEIL

**FINAL TRIAL MANAGEMENT CONFERENCE
UNDER ADVISEMENT RULING**

Central Court Building – Courtroom 704

10:07 a.m. This is the time set for a Final Trial Management Conference. Plaintiff is present with counsel, Christopher A. LaVoy. Defendant is represented by counsel, Paul R. Neil.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

A Final Trial Management Conference is conducted and legal matters are discussed.

Discussion is held regarding further discovery, disclosures and the possibility of postponing the trial. Defendant's counsel informs the Court that they 1) are willing to go to trial; 2) waive issues regarding discovery; 3) request the opportunity to conduct supplemental, limited discovery; and 4) request the Court to limit Plaintiff's counsel's to calling one Gosnell witness. Based upon matters presented to the Court and for reasons stated on the record,

IT IS ORDERED Plaintiff's counsel shall call Mr. Berris as their only Gosnell witness.

IT IS FURTHER ORDERED Defendant's counsel may conduct additional, limited discovery and supplement disclosures.

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Discussion is held regarding the cable issue.

IT IS ORDERED denying Plaintiff's Motion for Partial Summary Judgment, filed May 6, 2013, as to the cable issue.

IT IS FURTHER ORDERED denying Defendant's Cross-Motion for Summary Judgment on Cable Issue, filed June 7, 2013.

Discussion is held regarding Exhibits. Plaintiff's Exhibits 1-3; 5; 7; 9; 10; 12; 15-18; and 28-32 are received in evidence. Defendant's 39-44; 49-51; and 55-86 are received in evidence.

Discussion is held regarding older landscaping contracts. Defendant's counsel agrees to look for older contracts.

Defendant's counsel withdraws their Objection to Plaintiff's Trial Witnesses, filed July 31, 2013.

The Court addresses trial matters, courtroom policies, and procedures including:

1. The length of the trial is discussed. The **2-day Trial to the Court** scheduled to commence on **August 12, 2013 at 9:30 a.m.** in this division is affirmed.
2. The parties stipulate to invoke the Rule of Exclusion of Witnesses, per the Joint Pretrial Statement.
3. Counsel are advised that the Court's trial hours are generally as follows: Monday through Thursday, 9:30 a.m. to 4:30 p.m. with a lunch recess from noon to 1:30 p.m. daily, and two 15-minute breaks: one in the morning and one in the afternoon.
4. Counsel shall provide at least 24 hours notice to each party of the witnesses each party intends to call, and any exhibits they plan to use during examination of those witnesses to which the other side has made an objection.

NOTE: Any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled Trial. Trial in this matter is set before:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-017609

08/01/2013

**The Honorable Douglas L. Rayes
Maricopa County Superior Court
Central Court Building
201 West Jefferson
Courtroom 704
Phoenix, AZ 85003
Phone: (602) 506-0816**

PLEASE NOTE: If/when a party files a pleading within 48 hours of a scheduled event, the party should also e-mail same to the Court's Judicial Assistant at the following: mfarmer@superiorcourt.maricopa.gov

NOTE: COUNSEL SHALL UPLOAD AND E-FILE ALL PROPOSED ORDERS IN WORD FORMAT ONLY TO ALLOW FOR POSSIBLE MODIFICATIONS BY THE COURT.

10:40 a.m. Hearing concludes.

BEFORE FILING ANY DISCOVERY MOTION, parties are instructed to contact this division for an informal teleconference. Division contact information: Judicial Assistant, Mary Farmer, phone: (602)506-0816.

For copies of hearings or trial proceedings recorded, 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.

Pursuant to Part 1, Chapter 6, Section 1-602 D (4)(a), of the Arizona Code of Judicial Administration, **if a court reporter is present**, the court reporter's record is the official record and requests for transcripts shall be made by contacting the court reporter at (602)506-6100 or email request to lineburgc@superiorcourt.maricopa.gov.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.