

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-019231

09/08/2004

HON. MICHAEL J. O'MELIA

CLERK OF THE COURT
A. Beery
Deputy

FILED: 09/10/2004

TROON NORTH ASSOCIATION

FREDERICK E DAVIDSON

v.

CRESCENT CLUB INVESTORS I LTD, et al.

BRIAN A CABIANCA

GREGORY L MILES
GREGORY G MCGILL

MINUTE ENTRY

A Motion to Set and Certificate of Readiness for Trial having been filed, in addition to Controverting Certificate,

IT IS ORDERED:

1. This matter is set for trial to a jury on **March 1, 2005 at 9:30 a.m.** in this division.

Estimated length of trial is: **3-4 days.**

Discovery may continue to 60 days before trial.

THIS IS A FIRM TRIAL SETTING.

2. The joint pretrial statement in accordance with Rule 16, Rules of Procedure, is due by 5:00 p.m., five days prior to trial. In addition to the information required by Rule 16, 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.

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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.
 - 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. Motions in limine, which must meet the test of State v. Superior Court, 108 Ariz. 396, 499 P.2d 152 (1972): “The primary purpose of a motion in limine is to avoid disclosing to the jury prejudicial matters which may compel a mistrial.”
 - D. 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. Written response to a motion in limine may be filed no later than noon of the day before trial.
5. All motions (except motions in limine) shall be filed no later than seventy-five (75) days prior to trial so they can be scheduled, briefed, argued and decided prior to trial.
6. 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 the trial, presenting all exhibits. The exhibits will be marked serially, plaintiff’s first and defendant’s second.
7. Opinions of experts fairly sought and revealed in deposition or other discovery shall not be supplemented at trial.
8. 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.
9. All documents and pleadings described above shall be delivered or telefaxed to opposing counsel on the date they are delivered to the Court.
10. Jurors get upset if they have to wait, so counsel shall make sure that they have witnesses available to fill the day.

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