

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-024457

09/16/2005

HONORABLE BARRY C. SCHNEIDER

CLERK OF THE COURT
D. Raybon
Deputy

FILED: 09/20/2005

FIREROCK RESORT CASITAS
CONDOMINIUMS HOMEOWNERS
ASSOCIATION

v.

MIRAGE HOMES L L C, et al.

JILL ANN HERMAN

ADAM B CAMPBELL
WILLIAM H DOYLE
KENNETH JANUSZEWSKI
SUSANNE B LUSE
RINA K RAI
RICHARD L RIGHI
JAMES M SHINN
WILLIAM R METTLER JR.
SCOTT G ANDERSEN
CHARLES D ONOFRY

**JURY TRIAL SETTING
(WITH PRETRIAL MANAGEMENT CONFERENCE)**

9:02 a.m. This is the time set for Rule 16 Comprehensive Pretrial Conference. Plaintiff is not represented by counsel. Defendant Mirage Homes is represented by counsel, Bill Mettler and Tim Grimm. Defendant Leach Painting and Drywall is represented by counsel, Bob Willis. Defendant Shaw and Sons is represented by counsel, Susanne Luse.

Court reporter is not present.

Discussion is held. Counsel notifies the Court that the Plaintiff has settled in this case and the remaining parties are Mirage Homes versus third party Defendants.

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IT IS ORDERED adopting the terms of the Joint Pretrial Conference Memorandum to the extent that they do not conflict with the orders stated herein. References to “counsel” shall be read to include unrepresented parties.

IT IS FURTHER ORDERED setting this matter for an **8-day Jury Trial on June 14, 2006 at 9:30 a.m.** in this division.

THIS IS A FIRM TRIAL SETTING

Trial days are normally 9:30 a.m. to 4:30 p.m., Tuesday through Friday.

IT IS FURTHER ORDERED all dispositive motions shall be filed at least 90 days before trial. Motions in *limine* shall be filed in accordance with Rule 7.2, Ariz.R.Civ.P. Motions not filed in accordance with these deadlines will not be considered.

IT IS ORDERED setting this matter for **Pretrial Management Conference on May 22, 2006 at 10:00 a.m.** in this division.

At the PTMC, counsel who will try the case shall appear and be prepared to discuss and resolve:

- A. Time limits for *voir dire*, opening statements, witness examinations and closing arguments.
- B. Stipulations and objections regarding witnesses and exhibits. If time permits, the court will rule on objections.
- C. Jury instructions, juror notebooks and verdict forms.
- D. Deposition summaries and excerpts from depositions including objections thereto.
- E. Scheduling, equipment or interpreter issues.
- F. Status of settlement efforts.
- G. Motions in *limine* and other pending motions.
- H. Other matters addressed in the updated joint pretrial statement.

A joint pretrial statement (JPTS) is **due three (3) judicial days before the PTMC**. The following shall be filed with the JPTS:

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- A. Proposed *voir dire* questions.
- B. A list to be read to the jury with names of all witnesses who may testify.
- C. A set of agreed-upon jury instructions.
- D. Separate sets of requested instructions that have not been agreed upon. (Review *Rosen v. Knaub*, 175 Ariz. 329, 857 P.2d 381 (1993) and the RAJI Civil 3d Statement of Purpose before requesting non-RAJI instructions.)
- E. A stipulated brief summary of the case, which the court can read at the outset of *voir dire*.

All exhibits shall be exchanged 30 days before trial. Counsel shall confer regarding exhibits so duplicates are avoided. **At least ten days before trial, counsel or their knowledgeable assistants shall call the division clerk at (602) 506-3553 to discuss procedures for marking exhibits.** All exhibits shall be submitted to the clerk no later than one **(1) week prior to trial.** Original depositions are provided to the clerk for the record and not marked as exhibits.

The parties have agreed to schedule a settlement conference through a private mediator **no later than March 16, 2006.**

9:15 a.m. Matter concludes.