

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-097453

09/02/2016

HON. DAVID K. UDALL

CLERK OF THE COURT  
K. Tiero  
Deputy

NORTH CANYON RANCH OWNERS  
ASSOCIATION

SAMUEL C RICHARDSON

v.

PAMELA J ALLEN, et al.

DENNIS BROOKSHIRE

BANK OF AMERICA NATIONAL  
ASSOCIATION  
NO ADDRESS ON RECORD  
FIRST NATIONAL OF NEBRASKA INC  
NO ADDRESS ON RECORD  
FIRST INTERNATIONAL OF  
NEBRASKA INC  
NO ADDRESS ON RECORD

**BENCH TRIAL SET**

Courtroom SEF 205

9:38 a.m. This is the time set for Telephonic Trial Scheduling Conference. Counsel, Austin Baillio on behalf of Samuel Richardson, is present telephonically on behalf of Plaintiff, who is not present. Counsel, Dennis Brookshire, is present telephonically on behalf of Defendants, who are not present.

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

Discussion is held regarding status of the case. Counsel have not come to a resolution in the case.

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**IT IS ORDERED:**

1. **TRIAL**

This matter is set for a Bench Trial on **November 14, 2016 at 9:00 a.m.** in this Division.

LENGTH OF TRIAL: **1 day**

HONORABLE DAVID K. UDALL  
SOUTHEAST COURTHOUSE  
222 EAST JAVELINA  
COURTROOM 205  
MESA AZ 85210

THIS IS A FIRM TRIAL SETTING

**NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.**

2. **SUBSTANTIVE MOTIONS**

All substantive motions, including motions for summary judgment, shall be filed no later than **September 15, 2016**.

3. **FINAL JOINT PRETRIAL STATEMENT**

The Joint Pretrial Statement meeting the requirements of Ariz.R.Civ.P. 16(g)(2)(A)-(K) shall be delivered to this Division by **5:00 p.m. on November 7, 2016**. In addition to the requirements of Ariz.R.Civ.P. 16(g)(2)(A)-(K), the parties shall submit to the Court:

A. A statement by each party identifying all expert witnesses, the opinions of said experts, and a description of the factual/substantive basis for each such opinion.

B. A completed Witness Information Form.

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C. Trial memoranda (optional).

4. **MARKING EXHIBITS FOR TRIAL**

Trial counsel and self-represented litigants (“the parties”) are directed to personally meet **no later than October 31, 2016** to exchange trial exhibits and discuss the exhibits prior to submitting them to the Court for trial. At this meeting, the parties’ shall attempt to agree on authenticity, foundation, and admission of the exhibits to shorten the time spent on exhibits during the trial.

**Exhibits are due to the Clerk by November 7, 2016.**

**IT IS ORDERED** that counsel may call the Clerk, Kendra Tiero, at telephone **(602) 506-4560** with questions regarding exhibits. Counsel is required to email the Clerk a copy of the **Final Trial Exhibit List** in Microsoft Word Format. Email to the Clerk should be sent to [tierok@cosc.maricopa.gov](mailto:tierok@cosc.maricopa.gov) and opposing counsel and or/party shall be copied on any email. **Any questions regarding trial matters and not exhibits, please contact the Judicial Assistant at (602) 506-5514.**

The Court will rule on any objections to exhibits at the Final Trial Management Conference. Objections must be made before or during the Final Trial Management Conference or will be deemed to have been waived. The Court encourages the use of juror notebook, but stipulation of exhibits is required.

**IT IS FURTHER ORDERED:**

1. Exhibits should be separated by a colored sheet of paper with the exhibit number written on front. Each exhibit shall be clipped or bound if too large to be stapled.
2. Provide a separate copy of exhibits to be referenced by the trial judge in a three-ring binder, each separated by a tabbed numbered divider.
3. Keep the descriptions of the exhibits simple. Do not use a description that cannot be verified by looking at the document or item. **Do not include Bates numbers** in your description of the exhibits.
4. Exhibits shall be marked numerically and consecutively -- 1, 2, 3 etc. **Do not skip numbers.** Numbers will not be skipped or saved in anticipation of additional exhibits to be submitted. Any missing or skipped exhibits shall be designated as “**Unused.**” Additional exhibits, if necessary, may be marked during the course of trial.

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5. Counsel shall eliminate duplication of exhibits as duplicate **exhibits will not** be marked. Counsel shall, therefore, confer regarding exhibits to insure that there are no duplicates.
6. **Do not list depositions** on the exhibit description list as depositions will not be marked as exhibits. Original depositions shall be provided to the Clerk at the time of trial for filing into the court record. Counsel shall retain a copy of the depositions for their use during the trial as the original depositions remain with the Clerk to be used as reference by the trial judge during testimony.
7. Blow-up charts and large items may only be used for demonstrative purposes. Counsel may bring blow-up charts and large items for use during trial; however, if counsel would like any blow-up charts or large items marked as an exhibit, they must provide the Clerk with an 8-1/2 x 11 photograph of the item.

5. **DEPOSITIONS**

To the extent reasonably possible, the content of any deposition a party intends to offer in evidence shall be either summarized or relevant excerpts of the deposition shall be extracted. Videotape depositions shall be edited in the same manner. Deposition summaries and excerpts shall be exchanged by the parties prior to the Trial Management Conference. All deposition summaries and excerpts shall be provided to the Clerk of this Division at the time of the Trial Management Conference.

6. **WITNESS INFORMATION FORM**

Counsel for each party and any self-represented litigant shall meet to complete the Witness Information Form which is attached to this minute entry. The parties shall set forth the names of each witness and the estimated time required for direct and cross-examination. Time estimates shall also be set forth for opening statements and closing arguments. The completed form shall be submitted with the Joint Pretrial Statement. The Court will rely upon the Witness Information Form to predict the length of the trial for the jurors and to allocate the time allowed for each party to present its case to the jury.

Attachment: Witness Information Form.

**WITNESS INFORMATION FORM**

WITNESSES FOR PLAINTIFF(S)

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	WITNESS NAME	DIRECT REDIRECT	&	CROSS
1				
2				
3				
4				
5				
6				

DIRECT, REDIRECT & CROSS TOTAL: \_\_\_\_\_

WITNESSES FOR DEFENDANT(S)

	WITNESS NAME	DIRECT REDIRECT	&	CROSS
1				
2				
3				
4				
5				
6				

DIRECT, REDIRECT & CROSS TOTAL: \_\_\_\_\_

TOTAL WITNESS TIME ESTIMATE: \_\_\_\_\_

TIME ESTIMATE FOR:	PLAINTIFF	DEFENDANT
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OPENING STATEMENT			
CLOSING ARGUMENT	1 <sup>st</sup> :	2 <sup>nd</sup> :	

9:44 a.m. Matter concludes.