

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
10/08/2001

10/02/2001

CLERK OF THE COURT
FORM V000A

HONORABLE REBECCA A. ALBRECHT

L. Falkenburg
Deputy

CV 2000-009106

FILED: _____

REGENCY HOUSE ASSOCIATION

BURTON T COHEN

v.

PERRY PICKERT, et al.

BRIAN SCHULMAN

LAWRENCE R MOON
ALTERNATIVE DISPUTE
RESOLUTION - CCC

MINUTE ENTRY

8:50 a.m. This is the time set for Pretrial Management Conference. Plaintiff is represented by counsel, Burton T. Cohen. Defendants are represented by counsel, Lawrence R. Moon.

No court reporter is present.

Matters are discussed between Court and counsel.

Based on the matters presented,

IT IS ORDERED that all witnesses, expert and non-expert, shall be disclosed on or before October 31, 2001.

IT IS FURTHER ORDERED that all interrogatories shall be served on or before October 31, 2001.

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IT IS FURTHER ORDERED that all discovery shall be completed on or before December 15, 2001.

IT IS FURTHER ORDERED referring this matter to the Alternative Dispute Resolution Office for the appointment of a Judge Pro Tem to conduct a settlement conference. Said settlement conference, scheduled by separate minute entry, shall be conducted not before December 15, 2001 and not between December 20, 2001 and January 4, 2002.

IT IS FURTHER ORDERED that all amendments to disclosure statements shall be filed and exchanged on or before January 15, 2002.

IT IS FURTHER ORDERED as follows:

1. Setting this matter for trial to a Jury on **January 28, 2002 at 9:30 a.m.**, before Judge Rebecca A. Albrecht, 101 West Jefferson, 4th Floor, Courtroom 411, Phoenix, AZ 85003.

Estimated length of trial: **5 days.**

THIS IS A FIRM TRIAL SETTING.

2. No less than ten (10) judicial days prior to trial, counsel (or the parties) shall file:

A. The joint pretrial statement shall be filed in accordance with Rule VI, Uniform Rules of Practice. In addition to the information required by Uniform Rule VI, counsel are to identify in/with the joint pretrial statement all deposition or other transcribed testimony that may be offered at trial, other than for impeachment. 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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- B. Requested jury instructions¹, and any voir dire questions.
- C. 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.
- D. Motions in limine, which 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."
- E. 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).
- F. Jointly completed time and witness estimate form (Attached).

3. Written response to a motion in limine may be filed no later than five (5) days before trial. No reply shall be filed. The Court will rule without oral argument.

4. Motions for Summary Judgment shall be filed no later than 90 days prior to trial. All other motions (except motions in limine) shall be filed no later than sixty (60) days prior to trial. This is in order so all motions can be scheduled, briefed, argued and decided prior to trial.

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 at least two court days before trial, presenting all exhibits and a list of exhibit descriptions. The exhibits will be marked serially in the order in which they are received by the clerk. For other questions regarding exhibits, contact the clerk in this division (602-506-8846).

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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 delivered or telefaxed to opposing counsel on the date they are delivered to the court.

9. DISCOVERY SHALL BE COMPLETED 60 OR MORE DAYS BEFORE THE DATE SET FOR TRIAL AND NO DISCOVERY DONE AFTER THAT DATE, WHETHER ON STIPULATION OR NOT, SHALL BE USED AT TRIAL UNLESS THE COURT ENTERS A WRITTEN ORDER PERMITTING SUCH DISCOVERY.

* * *

NOTE: This court holds trial Monday through Thursday. Generally, the daily hours are:

**9:30 a.m. to 12:00 p.m.
1:30 p.m. to 4:30 p.m.**

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SUBMISSION OF PROPOSED JURY INSTRUCTIONS

If counsel request any of the Recommended Arizona Jury Instructions, the instruction does not have to be typed in its entirety. Rather, counsel should submit the instruction in the following manner:

[i.e.--in civil cases]:

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RAJI Standard	1- Duty of Jurors
RAJI Standard	3- Arguments of Counsel
RAJI Negligence	1- Statement of Issues as to Liability

AS FOR NON-RAJI INSTRUCTIONS, these should be typed, each on a separate page with a heading [i.e.: Plaintiff's Instruction No.2 etc.], and provide authority for the instruction. Number each instruction consecutively, rather than leaving a blank space for someone else (such as the court) to number. Each instruction should also be submitted on a disk in Word 97/Windows format.

If there are any questions, feel free to call.

PLEASE NOTE: **E-Courtroom Policies**

Courtroom 411 is one of the new "e-courtrooms" and provides state of the art equipment for case presentation. Please note the following provisions:

1. The e-courtroom does not have a court reporter present. If you wish to have a court reporter present for the duration of your trial, you must notify the court at least 72 hours prior to the beginning of trial.
2. If you do not wish to use the services of a court reporter, but would like a recording of your presentation, please provide the court with an **unopened** VHS video tape. A specific type of video tape must be used for this system in order to ensure the most reliable record: Fuji Super HG 120 VHS SNG T-120 or equivalent. Tapes are available in the *Change of Venue* sundries store in the cafeteria.

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3. If you would like some pre-trial instruction on using any of the equipment in this courtroom, please contact the division at (602) 506-3727.

All equipment will be ready for your use when you arrive in the court. If for some reason it isn't, please contact my staff for assistance. Do not attempt to set up the court equipment by yourself! In addition, please do not unplug, move, or in any way alter any of the equipment, microphones, cameras, etc. in the courtroom.

ATTACHED: Time Estimates Form.

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CAUSE NUMBER _____

CASE CAPTION _____

PLAINTIFF'S COUNSEL _____

DEFENDANT'S COUNSEL _____

(NOTE : Add additional lines as needed for additional parties and or witnesses.)

TIME ESTIMATES FOR TRIAL

Opening Statement and Closing Argument

PLAINTIFF'S OPENING STATEMENT	
DEFENDANT'S OPENING	
PLAINTIFF'S CLOSING	
DEFENDANT'S CLOSING	
PLAINTIFF'S REBUTTAL	

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CASE CAPTION:

TIME ESTIMATES

The foregoing are based on the best estimates of counsel of the time reasonably needed to complete the necessary examination of the witnesses listed.

Counsel for Plaintiff

Counsel for Defendant
