

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-011927

10/22/2007

HONORABLE JOHN A. BUTTRICK

CLERK OF THE COURT
C. Castro
Deputy

DAVID B VANYO

JEFFREY D GROSS

v.

CAREFREE FOOTHILLS HOMEOWNERS
ASSOCIATION, et al.

KURT M ZITZER

GARY L BIRNBAUM

FINAL PRE-TRIAL MANAGEMENT CONFERENCE

IN CHAMBERS:

4:30 p.m. This is the time set for Final Pre-Trial Management Conference. Plaintiffs are represented by counsel, Jeffrey D. Gross. Defendants are represented by counsel, Kevin T. Minchey and Robert C. Brown.

No court reporter is present.

IT IS ORDERED DENYING Defendants' Carefree Foothills Homeowners' Association's Motion in Limine Regarding David Gratton and Dr. Eric Korsten filed September 21, 2007.

Pre-trial conference is conducted.

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IT IS ORDERED affirming the trial date of **November 14, 2007, at 9:30 a.m., four (4) days to a jury**, in this division. Counsels are to be present at **9:00 a.m.** to discuss any pre-trial matters. The court conducts jury trials Tuesday through Friday, 9:30 a.m. to noon and 1:30 p.m. to 4:30 pm. There will be a morning and afternoon recess of 15 minutes.

IT IS FURTHER ORDERED setting a *telephonic* status conference regarding trial date scheduling in this division on **November 1, 2007, at 9:00 a.m. for 15 minutes**.

IT IS FURTHER ORDERED AS FOLLOWS:

1. The court will conduct voir dire. At the conclusion of the court's questioning, each side will have an opportunity to ask questions of the panel.
2. There will be 1 alternate juror selected for the trial. The parties have stipulated that if only 7 jurors remain at the close of evidence, a verdict of 5 out of 7 shall be sufficient to render a verdict. If all 9 jurors remain at the close of evidence, the parties have agreed that all jurors shall deliberate and that a verdict of 7 of 9 will be sufficient to render a verdict.
3. The court will summon a panel of 30 prospective jurors.
4. Counsel invokes Arizona Rule of Evidence 615.
5. The court informs the parties that all exhibits are due to the clerk no later than **November 7, 2007**. The parties shall not submit duplicative exhibits.
6. Counsel are to provide each other with any demonstrative exhibits they intend to use at least 24 hours prior to trial.

5:05 p.m. Matter concludes.

ELECTRONIC ("E") COURTROOM

A record of the proceedings may be made by videotape in lieu of a court reporter. (**See Notice below**) Should an official transcript be required, you may request that the Court prepare it. The party ordering the transcript must pay for it. With this new technology, a court reporter is likely not required and the parties are encouraged to experience the Court's video-recording system before requesting a court reporter.

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If a court reporter is required, a written request must be received by the Court at least 48 hours before the hearing.

NOTICE

New Fee for Copies of Electronically Recorded Proceedings

Effective Monday, January 27, 2003, a fee of \$20.00 will be charged for each copy of superior court proceedings digitally recorded and provided on compact Disc (CD) and for each copy of a superior court proceeding provided on videotape. The fee is due when the CD or videotape is picked up. Cash and in-state checks will be accepted for payment. Please make checks payable to: Clerk of the Superior Court.

Blank, unused CDs and videotapes will not be accepted in lieu of payment.

Beginning Monday, January 27, 2003, the pick up location for CD or videotape copies of superior court proceedings recorded in downtown Phoenix will be the court's Self Service Center located in the Law Library on the first floor of the East Court Building. Fees will be collected at the Self Service Center. Copies of superior court proceedings recorded at the court's Southeast Facility in Mesa and at the court's Northwest Facility in Surprise may be picked up, and fees paid, at the Self Service Centers at those locations.

Questions may be directed to Ken Crenshaw, Administrator, Electronic Records Services, 602-506-7100 or kcrensa@superiorcourt.maricopa.gov.

Request for Daily Copy of Electronically Recorded Proceedings

Obtain a form from the courtroom clerk or from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee at the Self Service Center. Attach the receipt showing payment of fee and present both the receipt and the form to the bailiff. For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.

Counsel and any self-represented parties are advised that the Clerk of the Maricopa County Superior Court has converted its case files to an electronic format and case files are no longer made available to the divisions. Therefore, it is imperative that counsel follow Maricopa County Local Rule 3.2 which requires counsel to deliver copies of motions and responses to the division.