

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-024476

10/02/2009

HONORABLE JOHN A. BUTTRICK

CLERK OF THE COURT
M. Hovorka
Deputy

PINNACLE PEAK VISTAS I I I
HOMEOWNERS ASSOCIATION

JOSHUA M BOLEN

v.

DERAILED L L C

DERAILED L L C
C/O ARVIN L BERSTEIN
9117 E VIA MONTOYA
SCOTTSDALE AZ 85255

MINUTE ENTRY

Courtroom 704 – Central Court Building

9:06 a.m. This is the time set for Order to Show Cause Return Hearing. Plaintiff is represented by counsel, Joshua M. Bolen. Defendant Derailed, LLC is not represented by counsel. Arvin L. Berstein is present on his own behalf.

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

Discussion is held.

The Court having considered the information presented,

IT IS ORDERED setting a Final Pretrial Conference on **May 3, 2010 at 11:00 a.m.** (time allotted: one hour) in this division.

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Before the Final Pretrial Conference, counsel shall deliver to the trial judge by **5:00 p.m., May 1, 2010**, a copy of the **Joint Pretrial Statement** signed by all counsel.

Deposition Summary: In addition to the information required by Rule 16(d), counsel shall at the Final Pretrial Conference provide to the court copies of any deposition transcripts to be read at trial. The offering party will highlight the portions to be read, the other side will highlight Rule 106 additions, and any objections for the court to rule on will be clearly marked in the margin. The parties are encouraged to agree on narrative summaries of deposition testimony, using brief question and answer excerpts only to emphasize very important testimony or to cover areas of testimony that cannot be summarized to the satisfaction of all counsel. No stipulation should be unreasonably refused.

Final Trial Witnesses: In addition to the information required by Rule 16(d), the Joint Pretrial Statement shall include an exhibit titled: **Final Trial Witness List**. This list shall contain the name of each witness a party actually intends to call at trial, the day on which they intend to call each witness and the estimated time needed for direct, cross and re-direct examination.

IT IS FURTHER ORDERED setting a Preliminary Injunction Hearing and Trial on Merits pursuant to Rule 65 (a) (2) for **May 18, 2010 at 9:30 a.m.** (time allotted: 1 day) in this division.

IT IS FURTHER ORDERED counsel shall deliver their exhibits along with a description of each exhibit to the division's clerk for marking no later than **May 11, 2010**. 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. Counsel may also submit exhibits in a three-ring binder, each separated by a tabbed numbered divider. Please provide a separate copy of exhibits to the court to be referenced by the Judge during the hearing.

NOTE: All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.

9:26 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>