

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-000707

10/14/2010

HON. SAM J. MYERS

CLERK OF THE COURT  
L. Firriello  
Deputy

MARKHAM CONTRACTING CO INC

KIMBERLY A LANE

v.

PINNACLE POINT DEVELOPERS L L C, et al.

DANIEL E FREDENBERG

**MINUTE ENTRY**

The Court has received and reviewed Plaintiff's Motion to Set and Certificate of Readiness.

IT IS ORDERED that the parties shall submit a Joint Pretrial Memorandum as set forth below.

The Court will review the Joint Pretrial Memorandum and proposed Scheduling Order prescribed herein. The Court may adopt or modify the discovery and disclosure schedule order and set a scheduling conference for purposes of setting a trial date. If counsel still believe that a pretrial conference is necessary at this stage of the litigation, they should address the reasons for the need for a pretrial conference in the first paragraph of the Joint Pretrial Memorandum.

If the parties fail to file a timely memorandum, sanctions may issue pursuant to Rule 16(f).

IT IS FURTHER ORDERED:

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All counsel are directed to meet personally to discuss all of the matters set forth in Rule 16(b). Counsel shall prepare and file with the Court by **5 p.m. on November 15, 2010**, a Joint Pretrial Memorandum, and prepare a proposed order for Discovery and Disclosure deadlines. The proposed order shall include dates for the following items and conform substantially with the attached sample order.

1. **A date or dates for initial disclosures** and/or to supplement disclosures made to date.
2. **An initial and final date to propound written discovery requests** that shall include, as far as can reasonably be anticipated, any and all medical examinations which may be required of any of the parties; the person or persons to conduct such examinations; and all tangible evidence to be disclosed or exchanged.
3. **A date for the initial and final disclosure of all non-expert witnesses**, and/or to supplement disclosures made to date.
4. **A date for the initial and final disclosure of the identities, subject matter, and reports of expert witnesses**, and/or to supplement disclosures made to date.
5. **A date for the completion of all depositions.**
6. **A date by which any motions to amend the pleadings will be filed.**
7. **A date by which all discovery motions will be filed.**
8. **A date by which all dispositive or partially dispositive motions shall be filed.**
9. **A proposed date for a Mandatory Settlement Conference pursuant to Rule 16.1. Alternatively, the parties may propose a deadline by which they will participate in private mediation.**
10. The anticipated length of trial.

If the parties agree as to the dates, they need to only prepare and submit the proposed order attached hereto. If counsel are unable to agree on any of the items set forth in the attached form of order, the reasons for their inability to agree shall be set forth in the Pretrial Memorandum and each shall prepare a separate proposed order. **All proposed deadlines shall be set forth as calendar dates, and not in the form "XX days before trial."**

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IT IS FURTHER ORDERED that counsel shall notify the Court of any agreed-upon extension of any time period provided by the Rules of Civil Procedure. The purpose of this order is not to discourage extensions as a matter of professionalism, but to ensure that no party suffers summary disposition of any issue by virtue of an extension of which the Court is not aware.

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[Proposed] Scheduling Order

The Court having received the parties' Joint Comprehensive Pretrial Conference Memorandum,

IT IS ORDERED entering the following schedule for disclosure as set forth unless the parties obtain written modifications by the Court:

- (1) Initial disclosures shall be exchanged by: **(MM/DD/YYYY)**
- (2) Written discovery shall be propounded by: **(MM/DD/YYYY)**
- (3) Written discovery shall be completed by: **(MM/DD/YYYY)**
- (4) Final non-expert disclosures shall be exchanged by: **(MM/DD/YYYY)**
- (5) The identities and subject areas of expert testimony shall be disclosed by: **(MM/DD/YYYY)**
- (6) Plaintiff's final expert disclosures shall be served by: **(MM/DD/YYYY)**  
Defendant's final expert disclosures shall be exchanged by: **(MM/DD/YYYY)**  
Rebuttal expert disclosures shall be exchanged by: **(MM/DD/YYYY)**
- (7) Depositions shall be completed by: **(MM/DD/YYYY)**
- (8) All discovery motions shall be filed by: **(MM/DD/YYYY)**
- (9) Any motions to amend pleadings shall be filed by: **(MM/DD/YYYY)**
- (10) Dispositive Motions shall be filed by: **(MM/DD/YYYY)**
- (11) The parties remaining in this action shall participate in private mediation by **(MM/DD/YYYY)** **OR** The parties remaining in this action shall participate in a Mandatory Settlement Conference (ADR) by **(MM/DD/YYYY)** **(Note: only one of the preceding two options shall be included in the proposed order)**

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(12) The following number of days will be required to pick a jury and try this matter:

—

IT IS ORDERED setting a telephonic Status Conference to be initiated by the Court in this matter on [counsel to leave this date blank], (time allotted: 15 minutes), in this Division.

**HONORABLE SAM J. MYERS  
MARICOPA COUNTY SUPERIOR COURT  
CENTRAL COURT BUILDING  
201 W. JEFFERSON  
COURTROOM 702  
PHOENIX, AZ 85003  
602 372-2940 TEL  
602 372-8744 FAX**

IT IS FURTHER ORDERED that in no less than **five days** prior to the Status Conference set herein, the parties shall submit a Joint Statement pursuant to ARCP 16(d) and report to the Court the history and status of the efforts at Alternative Dispute Resolution pursuant to ARCP Rule 16(g).

**DISCOVERY DISPUTES:** In the event of any dispute concerning discovery, counsel are directed to confer pursuant to ARCP 26(g). If such conference is unsuccessful, counsel are directed to initiate a conference call with this Division **BEFORE** filing a motion to compel or motion for protective order. Any discovery motion filed without first making a conference call will be rejected.

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