

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-052846

10/21/2011

HONORABLE MICHAEL R. MCVEY

CLERK OF THE COURT  
R. Tomlinson  
Deputy

HERITAGE VILLAGE I I I HOMEOWNERS  
ASSOCIATION

BURTON T COHEN

v.

MARY SIM

MARY SIM  
8902 EAST VIA LINDA SUITE 110-199  
SCOTTSDALE AZ 85260

**TRIAL SETTING MINUTE ENTRY**

Northeast Courtroom 112

9:01 a.m. This is the time set for Status Conference. All parties appear telephonically. Appearing on behalf of the Plaintiff is counsel, Burton T. Cohen. Due to Defendant's medical inability to appear for this hearing, the Court has permitted her husband, David Sim to appear for this trial setting hearing only.

References to "counsel" shall be read to include unrepresented parties.

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

Court and counsel discuss the status of the case and scheduling matters.

**IT IS ORDERED** setting a **One-Day** Trial to the Court on **May 7, 2012 at 9:00 a.m.**  
before:

SUPERIOR COURT OF ARIZONA  
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**HONORABLE MICHAEL R. McVEY  
SUPERIOR COURT OF ARIZONA  
NORTHEAST REGIONAL COURT CENTER  
18380 NORTH 40<sup>TH</sup> STREET  
COURTROOM 112  
PHOENIX, ARIZONA 85032  
(602) 506-3167**

THIS IS A FIRM TRIAL SETTING.

**IT IS FURTHER ORDERED** all trial exhibits shall be submitted for marking not later than **April 30, 2012**.

No information disclosed after the dates contained in the order may be used at the trial absent court order on motion and affidavit.

**IT IS ORDERED** that should any discovery disputes arise, prior to filing discovery motions, counsel shall MEET AND CONFER FACE TO FACE. If counsel are not able to resolve the dispute,

**IT IS FURTHER ORDERED** that any discovery motion must be accompanied by a Rule 37(2)(C) certification, to include that counsel have met face to face.

The proceedings will take place in the Superior Court's new "e-courtroom." A record of the proceedings will be made by FTR in lieu of a court reporter. With this new technology, a court reporter is not required and the parties are encouraged to experience the court's video recording system before requesting a court reporter. If a court reporter is required, the Court must receive a written request three (3) days prior to trial. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings for a \$20.00 charge. If a CD is requested, please obtain a form from the Self Center to request a daily copy of a court hearing or trial proceeding being conducted and pay the applicable fee. Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it.

If the parties are not familiar with the courtroom's technology, they are encouraged to set up an appointment with the court's technology liaison at 602.372.7877.

9:05 a.m. Hearing concludes.

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**PRETRIAL MANAGEMENT ORDERS**

**IT IS ORDERED** that the Joint Pretrial Statement (JPTS) in accordance with Rule 16(d), A.R.Civ.P., is due in this division by **5:00 p.m., April 30, 2012.**

**IT IS FURTHER ORDERED** with the JPTS, counsel shall deliver to this division, copies of the following:

A. A jointly completed time and witness estimate list.

B Proposed Findings of Fact and Conclusions of Law, if a request has been or will be filed. If no proposed Findings of Fact and Conclusions of Law is received, the request shall be deemed waived.

C. Whether or not the Rule of Exclusion of Witnesses has been invoked.

DISPOSITIVE MOTIONS

All motions, other than motions in limine, shall be filed not later than ninety (90) days prior to the date set for trial.

**Notices of Settlement**

**In accordance with the provisions of ARCP 41(a), to be effective, any Notice of Settlement or Dismissal providing for resolution of one or more pending claims that is filed after service by the opposing party's answer or dispositive motion, must be signed by each affected party (or appropriate counsel) prosecuting or defending against the claim(s) covered by the Notice. Each filed Notice shall state whether it resolves all pending issues in the case and constitutes a representation to the Court that the claims subject to the Notice have been fully resolved with respect to Notice signatories, and that the only further relief to be sought with respect to such claims is entry of an order that each signatory confirms is consistent with the agreement that gave rise to filing of the Notice.**

ATTACHED: SAMPLE FORMAT FOR TIME ESTIMATE FORM AND EXHIBIT PROCEDURES

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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	

Estimate of Time for Witness Examination

PLAINTIFF'S WITNESSES	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION

Estimate of Time for Witness Examination

DEFENDANT'S WITNESSES	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION

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

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Counsel for Plaintiff

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Counsel for Defendant

SUPERIOR COURT OF ARIZONA  
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GUIDELINES FOR COUNSEL WHEN PREPARING **EXHIBITS** FOR USE IN COURT

**COUNSEL PLEASE READ**

Exhibits are due to the Court not later than five (5) business days prior to the trial.

If Defendant's exhibits are received prior to Plaintiff's exhibits, the Clerk may mark them first with Plaintiff's exhibits following.

Exhibits will be marked consecutively. If your list refers to an exhibit and it is not provided at the time of marking, the numbers of all following exhibits will be moved up. In addition, if duplicate exhibits are submitted, the clerk will remove the duplicate and the numbering will be adjusted accordingly. To avoid confusion during trial, it is essential that counsel avoid submitting duplicate exhibits. *The clerk cannot reserve numbers for exhibits that will be provided at a later date.* Exhibits will be marked as they are received. Do not list "Any and all exhibits listed by ...."

**Each multiple page exhibit must be securely fastened together by staple or other means. No rubber bands may be used. If Acco fasteners are used they must be long enough to fasten securely.**

Counsel are to provide a workable list of exhibits. The list should include a description of each exhibit. (See blank sample of an exhibit table below as a reference.) Do not put numbers on the exhibits; however a slip sheet with the exhibit number on it should be placed in front of each exhibit.

Exhibit Description Information:

The descriptions should be verifiable when viewing the first page of the exhibit.

No bates stamp references or number of pages in documents should be used.

If counsel are submitting large charts, blow-ups or maps, please include a small version which can be marked as the exhibit and can go into the jury if in evidence. The blow-ups, charts and/or maps can be used as demonstrative but will not be marked as exhibits and will be returned to counsel.

For additional assistance in preparation of exhibits contact the courtroom clerk at 602-372-7736.

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Sample of List of Exhibits to be provided to the courtroom clerk:

EXHIBIT LIST			
Exhibit No.	Identified By	Description	Legal Ground for Objection