

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-016976

10/17/2012

HONORABLE GEORGE H. FOSTER, JR.

CLERK OF THE COURT
J. Polanco
Deputy

MICHAEL MERLIE, et al.

STEVEN W CHEIFETZ

v.

VAL VISTA LAKES COMMUNITY
ASSOCIATION, THE, et al.

SCOTT CARPENTER

ROBERT A FOLLMER
1349 E SEA GULL DR
GILBERT AZ 85234-2611
LOIS M FOLLMER
1349 E SEA GULL DR
GILBERT AZ 85234-2611
ALTERNATIVE DISPUTE
RESOLUTION - CCC

COMPREHENSIVE PRETRIAL CONFERENCE SET

The Court having received Plaintiffs' Notice of Lodging Joint Proposed Scheduling Order, electronically filed September 4, 2012,

IT IS ORDERED approving the parties' requests all in accordance with the formal written Joint Scheduling Order, signed by the Court on October 12, 2012 and filed (entered) by the Clerk on October 17, 2012.

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IT IS FURTHER ORDERED the parties shall participate in a mandatory settlement conference. This case is referred to the Court's Alternative Dispute Resolution for the appointment of a judge *pro tempore* to conduct a settlement conference. Counsel and/or the parties will receive a minute entry from ADR appointing the judge *pro tempore*. Counsel and any "pro per" parties will contact the appointed judge pro tempore to arrange the date, time, and location for the settlement conference. The judge pro tempore is requested to conduct a settlement conference not later than **January 15, 2013**. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office. If counsel prefer to use a private mediator to conduct the settlement conference, a Stipulation and Order re: Alternative to ADR must be presented to the Court by no later than 5:00 p.m. on **November 16, 2012**. All counsel and their clients, or non-lawyer representatives who have full and complete authority to settle the case, shall personally appear and participate in good faith in the Settlement Conference. Sanctions may be imposed for failure to participate.

IT IS FURTHER ORDERED setting a Telephonic Comprehensive Pretrial Conference for **April 3, 2013 at 9:00 a.m. (time allotted: 15 minutes)**. **NOTE:** Counsel for the **Plaintiff** is to initiate the telephonic conference by first arranging the presence of all other counsel or self-represented parties on the conference call and by calling this Division (602-506-3892) promptly at the scheduled time.

Suggestions to conference call attendees calling from outside the court system:

- Do not use a speaker phone.
- Do not use a cell phone. If possible, use a desk phone.
- Avoid noisy areas.
- Mute phone when not speaking.
- State your name every time you address the Court.

Court's Policy: Counsel are advised that trial will not be set any sooner than 90 days after the deadline for dispositive motions. Once a trial date has been set, the Court will not entertain any requests for any continuance, not even with a stipulation, nor will discovery and other deadlines be extended.

IT IS FURTHER ORDERED that all motions, responses, replies and other Court requested filings in this case must be submitted individually. Counsel shall not combine any motion with a responsive pleading. All motions are to be filed separately and designated as such. No pleadings will be accepted if filed in combination with another.

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IT IS FURTHER ORDERED that should any discovery disputes arise, counsel shall MEET AND CONFER pursuant to Rule 37, then telephonically contact the Court to set up a telephonic conference before any motions are filed.

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.

Any dispositive motions must be filed at least 90 days before trial. Any Motions in *Limine* must be filed at least 30 days before trial unless otherwise ordered by the Court.

NOTE: The parties are advised that failure to appear at a hearing may result in sanctions, including a Default Judgment.

A Court Reporter may be requested by contacting the Court's Judicial Assistant by e-mail at dshinaba@superiorcourt.maricopa.gov. Requests will ONLY be accepted by e-mail. Please do not call the Division.

NOTE: All Court proceedings held in chambers are not recorded digitally and no court reporter is present. All courtroom 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.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.