

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-052655

10/08/2018

HONORABLE THEODORE CAMPAGNOLO

CLERK OF THE COURT
K. Hartley
Deputy

MICHAEL BERENT, et al.

KRISTIN M. ROEBUCK

v.

GRAZYNA MROCZKOWSKA, et al.

DEBRA S BROCKWAY

MARIA R KUPILLAS
JEFFREY T MURRAY
JUDGE CAMPAGNOLO

MINUTE ENTRY

On the Court's own motion due to a scheduling conflict,

IT IS ORDERED vacating the April 12, 2019 Final Trial Management Conference and resetting same for **April 3, 2019 at 9:00 a.m. (90 minutes allotted)** before:

**The Honorable Judge Theodore Campagnolo
Superior Court of Arizona
Northeast Regional Court Center
18380 North 40th Street
Courtroom 102
Phoenix, Arizona 85032
(602) 372-0537**

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Counsel please make note of the deadlines for exhibits, joint pretrial statement, and other documents have been changed. See below.

COUNSEL **WHO WILL BE THE LEAD TRIAL ATTORNEYS ON THE CASE**
AND IF THE PARTIES ARE PRO PER, THEY ARE REQUIRED TO BE IN COURT FOR THE
FINAL TRIAL MANAGEMENT CONFERENCE.

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 602.372.7876.

PLEASE NOTE:

- Trial hours and days are normally 9:30 a.m. to 4:30 p.m. (with a lunch recess from 11:45 a.m. to 1:30 p.m. and two 15-minute recesses, daily), Monday through Thursday (unless otherwise ordered by the Court).
- All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.
- This division requires 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.
- A proposed order/judgment must be attached any motion requesting the court to do something. Orders must be submitted in **Word Format** using the proper turbo court code. All stipulations, joint scheduling reports, unopposed motions, etc., **MUST** contain a proposed order.
- The parties are encouraged to view Judge Campagnolo's online profile for additional information on the Court's expectations regarding motion practices and requirements, discovery disputes, and hearing/trial procedures at the following website:
<http://www.superiorcourt.maricopa.gov/JudicialBiographies/judges/profile.asp?jdgID=327&jdgUSID=12118>

DUTIES BEFORE THE FINAL TRIAL MANAGEMENT CONFERENCE

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MOTIONS IN LIMINE. Motions in *limine* shall be filed only in accordance with Rule 7.2, ARCP. Motions in *limine* shall be filed thirty (30) days before the FTMC; any responses to a motion in *limine* shall be filed no later than ten (10) days thereafter. Said motions must meet the test of *State v. Superior Court*, 108 Ariz. 396, 397, 499 P.2d 152 (1972). If the Court wishes to hear argument, the argument will be heard at the FTMC. No replies shall be filed.

Unless prior written leave of Court is obtained for good cause shown, no party may file more than three (3) motions in *limine*, including all subparts. The parties shall not file motions denominated as “in *limine*” that are, in substance, late-filed motions for summary judgment.

DISPOSITIVE MOTIONS All motions, other than motions in *limine*, shall be filed as per the deadlines in the Joint Scheduling Order unless otherwise ordered by the court.

JOINT PRETRIAL STATEMENT. The parties shall file with the court no later than March 21, 2019 (10 days before the Final Trial Management Conference), a Joint Pretrial Statement, signed by all counsel (and any self-represented party) and containing the following:

1. **List of Claims.** The Joint Pretrial Statement must contain a list of all claims or causes of action on which a verdict is sought by any party. Such list shall specify (1) the cause of action (e.g., breach of contract, negligence, etc.), (2) each party asserting that cause of action, and (3) each party against whom that cause of action is asserted.

2. **No List of Issues.** The requirements of Ariz. R. Civ. P. 16(g)(2)(A), (B) and (C) are waived. The parties need not prepare a list of stipulations, agreed contested issues or other issues considered material. Disputes over what issues are properly in the case will be decided under Rule 26.1. The parties may, if they wish, submit one or more separate stipulations regarding facts, evidence or other matters.

3. **Summary of the Case for Jury Selection.** The Joint Pretrial Statement must include an agreed-upon brief (generally less than 200 words) summary of the case for jury selection purposes. If the parties cannot agree, they must submit separate proposed summaries.

4. **Final Trial Witnesses.** The Joint Pretrial Statement must include a Final Trial Witness List, which must list each witness a party expects to call at trial (in person or by deposition), the day on which they expect to call that witness and the estimated testimony time of witnesses. If the court finds that a party unreasonably included witnesses not likely to be called at trial, it may consider appropriate sanctions.

5. **Trial Exhibits.** As required by Rule 16(g)(E), all trial exhibits must be listed in the Joint Pretrial Statement along with objections. The court typically resolves objections to exhibits at

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trial, but objections must be listed in the Joint Pretrial Statement to be preserved. If the court finds that a party unreasonably included exhibits not likely to be used at trial, it may consider appropriate sanctions.

6. **Deposition Designations.** Deposition designations and objections should ***not*** be included in the Joint Pretrial Statement. Deposition designations must be submitted to the Court at the same time the Joint Pretrial Statement is due. The court will resolve deposition designations as follows. Counsel must provide the court a hard copy of the deposition transcript with (1) the portions to be read highlighted, (2) any counter-designations highlighted in a different color, and (3) any objections written in the margin. If the party plans to play a video deposition, the transcript must be provided by 4:00 p.m. two days before the deposition will be played.

7. **Other Matters.** The Joint Pretrial Statement must include the matters in Ariz. R. Civ. P. 16(g)(2)(H), (I), (J) and (K).

JURY INSTRUCTIONS; VOIR DIRE The parties shall meet and agree on as many proposed jury instructions as possible. At the time of the filing of the joint pretrial statement, the parties shall file and are required to provide the Court with a ***(CD), in word format, and a sanitized copy of:***

1. An agreed-upon set of proposed preliminary and final jury instructions (*All case citations and RAJI references removed from the draft*); and
2. Proposed verdict forms, and *voir dire* questions and any additional jury instructions.
3. In the event that the parties disagree on a particular jury instruction, both parties' proposed jury instruction shall be included in the draft proposed jury instructions with the notation "Disputed" in the name of the instruction.

Jury instructions not requested by the final trial management conference will be deemed waived unless good cause exists for the untimely request.

SETTLEMENT. The parties are reminded to promptly notify the court of any settlement pursuant to Ariz. R. Civ. P. 5.3(d). One day's jury fees will be assessed unless the court is notified of settlement before 2:00 p.m. on the judicial day before the trial.

TIME ESTIMATES FOR TRIAL. Time Estimates for Trial attached hereto shall be submitted on the same date as the parties' Joint Pretrial Statement as ordered herein.

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In the event evidence or testimony is objected to on the basis of non-disclosure, the parties should be prepared at trial to demonstrate compliance or non-compliance with Rule 26.1. This is usually done by showing the court disclosure statements, so those must be available in the courtroom.

TRIAL MANAGEMENT CONFERENCE

At the final trial management conference, the parties shall be prepared to discuss:

1. The claims and parties as to which a verdict is sought.
2. The time designated for trial and, if necessary, time limits.
3. Any scheduling or equipment issues.
4. *Voir dire*.
5. Any special issues regarding exhibits or deposition designations.
6. Preliminary jury instructions.
7. The case summary for jury selection purposes.
8. Motions in *limine*.
9. The potential for settlement before trial.

TRIAL EXHIBITS

Counsel (and any self-represented party) **shall deliver all trial exhibits to the courtroom clerk (602-372-7726) at the time of the Final Trial Management Conference.**

The parties shall present all exhibits to be used at trial, along with a written list with a brief description of each exhibit, (*bank statement, article, letter, email, etc.*) to the clerk on the date referenced above unless other arrangements have been made with the clerk before that date. All exhibits will be clearly labeled by the parties to correspond with the list provided. If the following procedures are not complied with, exhibits may be rejected.

1. Exhibits will be marked consecutively Plaintiff first and then Defendant;
2. **The clerk cannot reserve numbers for exhibits that will be provided at a later date;**
3. To avoid confusion during trial, it is essential that counsel avoid submitting duplicate exhibits;
4. Letter designations such as 5A, 5B, etc. shall not be used;
5. A colored sheet shall be placed between each exhibit with the exhibit number clearly marked on each colored paper; **(if you are submitting exhibits in a binder, no color paper is needed, just tabbed numbers)**

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6. Depositions will not be marked as an exhibit. Original depositions to be used for impeachment purposes shall be provided to the clerk on the first day of trial/hearing to be hand-filed by the clerk.
7. ****Each multiple page exhibit must be securely fastened together by staple or other means. **(unless you are submitting exhibits in a binder) NO PAPERCLIPS** may be used. If Acco fasteners are used they must be long enough to fasten securely.****

If a party is submitting more than 100 exhibits, exhibits shall be submitted in three-ring, binders with numbered tabs.

PLEASE BE DO NOT OVERFILL THE BINDERS, AS THE RINGS CANNOT SUPPORT A FULL BINDER AND YOU MAY BE ASKED TO ASSIST THE CLERK IN PLACING THE EXHIBITS INTO ADDITIONAL BINDERS THAT WILL BE PROVIDED BY COUNSEL OR PARTIES.

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.

For additional assistance in preparation of exhibits contact the courtroom clerk at 602-372-7726.

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 WITNESS	IN PERSON OR BY DEPOSITION	DATE IF TESTIMONY	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION	TOTAL TIME FOR WITNESS

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DEFENDANT'S WITNESS	IN PERSON OR BY DEPOSITION	DATE IF TESTIMONY	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION	TOTAL TIME FOR WITNESS

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

Counsel for Plaintiff

Counsel for Defendant

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

EXHIBIT LIST			
Exhibit No.	Identified By	Description	Stipulated in Evidence/ Objection