

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-019613

11/06/2006

HONORABLE RUTH H. HILLIARD

CLERK OF THE COURT
L. Gilbert
Deputy

MIRAGE CROSSING RESORT CASITAS
HOMEOWNERS ASSOCIATION INC

JOHN E CHAIX

v.

MIRAGE HOMES CONSTRUCTION INC, et al. LEE P BLAKE

JACK G BARONE
DOUGLAS H FITCH
MICHAEL J FRAZELLE
MICHAEL L GREEN
KYLE A ISRAEL
JAMES K KLOSS
CRAIG A MCCARTHY
MITCHELL J RESNICK
JAN-GEORG ROESCH

MINUTE ENTRY

9:10 a.m. In chambers: This is the time set for Rule 16 Comprehensive Pretrial Status/Scheduling Conference. Plaintiff is represented by counsel, John E. Chaix. Defendants Mirage Homes Construction, Inc., Mirage Homes, LLC and Mirage Construction, LLC are represented by counsel, Lee P. Blake. Defendants A-1 Steel, Inc. and Markham Contracting Company, Inc. are represented by counsel, Jan-Georg Roesch. Defendant Alvin Concrete, Inc. is represented by counsel, Adam B. Campbell. Defendant Century Roofing, Inc. is represented by counsel, Joseph E. Dylo. Defendants Dotty & Sons Contracting, Inc. and Maycon Iron Design are represented by counsel, Douglas A. Tolino. Defendant Eagle Ventures U S A, Inc. is represented by counsel, Michael L. Green. Defendant E N T L, Ltd. is represented by counsel,

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Matthew David Bedwell. Defendant Jordan Windows is represented by counsel, Douglas H. Fitch. Defendant Bill Sisson Plumbing, Inc. is represented by counsel, Michel J. Frazelle. Defendant Sunrise Stucco, Inc. is represented by counsel, Susanne E. Ingold.

No court reporter is present.

Discussion is held regarding the status of the case and setting a trial date.

IT IS ORDERED as follows:

1. **TRIAL DATE**: Jury Trial is set on **January 7, 2008 at 9:30 a.m.**, before Judge Ruth Hilliard, Courtroom 402, Central Court Building, 201 West Jefferson, Phoenix, AZ 85003. Counsel/parties to be here at 9:15 a.m. Jury selection will begin as soon as the jury panel arrives.

NOTE: Counsel/Parties shall notify the Judicial Assistant of this division of any scheduled witnesses residing outside of Maricopa County, the State of Arizona or the United States, no later than 30 days prior to trial.

2. **LENGTH OF TRIAL**: **Thirty-two (32) Days.**

3. **JOINT PRETRIAL STATEMENT**: **A Joint Pretrial Statement, jury instructions, voir dire** for the panel as a whole, and **exhibits must** be delivered to this division **no later than November 30, 2007. Failure to deliver documents by said date may result in loss of trial date.**

4. **TRIAL MANAGEMENT CONFERENCE**: Court and counsel/parties will meet for a Trial Management Conference, argument on motions in limine and settlement of jury instructions on **December 7, 2007 at 9:00 a.m. (time allotted: 2 hours).**

5. **DISPOSITIVE MOTIONS**: The last day to file dispositive motions is **September 7, 2007.** This is a firm date and will not be changed without changing the trial date.

6. **MOTIONS IN LIMINE**: The last day to file motions in limine is **November 19, 2007.** Responses are due by **November 30, 2007.** Late motions for summary judgment or for dismissal are not motions in limine. See, State v. Superior Court, 108 Ariz. 396, 499 P.2d 152 (1972). Motions in Limine will be ruled on at the Trial Management Conference. Counsel/parties are to review **Rule 7.2 A.R.C.P.** and provide an avowal stating compliance with Rule 7.2.

7. **CUTOFF FOR DISCOVERY**: **September 7, 2007.**

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8. **EXCHANGE AND DESIGNATION OF EXHIBITS:** Except illustrative exhibits made during trial, all exhibits are to be exchanged **thirty (30)** days before the Trial Management Conference. Counsel/parties are directed to meet and confer regarding exhibits so that duplicates are avoided. ****Trial lawyers or their knowledgeable assistants must contact the clerk of this division at 602-506-3348, no later than one week prior to the due date for exhibits, regarding the proper procedures for submitting exhibits to be marked for trial.**** Exhibits shall be delivered to the clerk of this division no later than **November 30, 2007**.

9. **JUROR NOTEBOOKS:** Jurors use and appreciate tabbed, indexed, juror notebooks. The contents must be in evidence by stipulation or, for exhibits, by court ruling. Key exhibits, diagrams, photographs, timelines, non-argumentative summaries of positions on liability and damages and other information helpful to jurors may be included.

10. **DEPOSITIONS:** Jurors prefer narrative summaries, with brief excerpts of deposition question and answer testimony, to reading many pages of testimony.

11. **SETTLEMENT CONFERENCE:** Counsel/parties advise that the parties are referring this matter to a private mediator; however, if counsel wish to use the services of the court's ADR Office, a notice regarding referral to ADR must be filed with the court. Please be advised the ADR Office requires a **minimum 90 days** to schedule a settlement conference.

The Court adopts and incorporates all other deadlines set forth in the parties' Joint Pretrial Statement filed, October 31, 2006, except as modified by this minute entry and the following orders:

IT IS ORDERED:

1. Defendants and Third-party Defendants will conduct all visual inspections and intrusive testing by **December 15, 2006**.
2. Third-party Defendants will serve final expert opinions, including their cost of repair estimates, by **March 15, 2007**.
3. All non-expert witnesses shall be disclosed no later than **May 15, 2007**.
4. The deadline to conduct initial mediation **May 31, 2007**.

9:41 a.m. Matter concludes.