

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-094018

11/14/2006

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT  
M. Brady  
Deputy

GOLDEN EAGLE ESTATES HOMEOWNERS  
ASSOCIATION INC

CHARLES E MAXWELL

v.

DUSAN MILIC, et al.

DONALD A LOOSE

MINUTE ENTRY

The Court has received Plaintiff's Motion to Continue on the Inactive Calendar.

IT IS ORDERED granting the motion and continuing the matter on the inactive calendar until February 9, 2007.

IT IS ORDERED setting a telephonic Comprehensive Pretrial Conference on January 26, 2007 at 10:45 a.m.

HONORABLE CHRISTOPHER WHITTEN  
SOUTHEAST ADULT FACILITY  
222 EAST JAVELINA  
COURTROOM 207  
MESA AZ 85210

**NOTE:** This division will place the conference call at the time of the hearing.

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If all parties agree that all claims should be subject to compulsory arbitration, then a schedule for completing arbitration will be set.

If all parties do not agree that all claims should be subject to arbitration, then all parties and 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 **5:00 p.m. on January 19, 2007**, a **Joint Pretrial Memorandum**, and prepare a **proposed order for Discovery and Disclosure deadlines**. The memorandum shall address all the matters listed in Rule 16(b) and additional items set forth below. The proposed order shall include specific dates for the following items and conform substantially with the attached sample order.

1. The nature of the case; the issues, and each party's position with respect to the issues.
2. **An agreed upon schedule and date for completion of non-expert depositions.** As far as can reasonably be anticipated, each party shall set forth the depositions they anticipate taking and the approximate time required for each; any and all medical examinations which may be required of any of the parties; the person or persons to conduct such examinations; all requests for production; and all tangible evidence to be disclosed or exchanged.
3. **A date for the final disclosure of the identities, subject matters, and reports of expert witnesses,** and/or to supplement disclosures made to date.
4. **A date or dates for the initial and final disclosure of all non-expert witnesses,** and/or to supplement disclosures made to date.
5. **A date by which all written discovery will be propounded and concluded.** Further, counsel shall set forth any written discovery outstanding and a date when it will be complete.
6. The position of each counsel on whether the Rule 38.1 time limits should be waived.
7. The court shall order the parties to participate either in a settlement conference with a judge pro tem or a mediation with a private mediator. An agreement of all parties is required for private mediation. The parties are to advise if such an agreement is reached. The parties are also to advise a **proposed date for the completion of the settlement conference or mediation.**

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8. Set forth any discovery disputes to date or Rule 26.1 compliance issues.
9. **A date for completion of all discovery**, including expert discovery.
10. **A date by which all dispositive or partially-dispositive motions shall be filed.**
11. **A proposed trial date** agreed upon by all counsel and anticipated length of trial.

If the parties agree as to the dates, they need to only prepare the proposed order, and incorporate it by reference. If counsel are unable to agree on any of the items of the Pretrial Memorandum, 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."**

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.

Counsel are reminded that the court may impose sanctions, pursuant to Rule 16(f), against counsel and/or their clients for failure to participate in good faith in the preparation or timely filing of the memorandum.<sup>1</sup>

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<sup>1</sup> The court will strictly enforce Rule 38.1(a)(3)(1) and Local Rule 3.4.

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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) The identities and subject areas of expert testimony shall be disclosed by: **(MM/DD/YYYY)**
- (3) 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)**
- (4) Final Non-expert disclosures shall be exchanged by: **(MM/DD/YYYY)**
- (5) Written discovery shall be propounded by: **(MM/DD/YYYY)**
- (6) Dispositive Motions shall be filed by: **(MM/DD/YYYY)**
- (7) Depositions shall be completed by: **(MM/DD/YYYY)**
- (8) Discovery shall be completed by: **(MM/DD/YYYY)**
- (9) Any motions to amend pleadings shall be filed by: **(MM/DD/YYYY)**
- (10) The parties remaining in this action shall complete mediation or a settlement conference by **(MM/DD/YYYY)**.

IT IS ORDERED setting Status Conference in this matter on [counsel to leave this date blank], **2006 at \* a.m.** (time allotted: 15 minutes), in this Division.

**HON. CHRISTOPHER WHITTEN**  
**222 EAST JAVELINA**  
**Courtroom 207**  
**Mesa, Arizona 85210**  
**(602) 372-1164**

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

**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE  
FEE CURRENTLY IN EFFECT**

This is a JAVS courtroom. In the event a record is made, the Court will provide, upon request, CDs and videotapes regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the JAVS and FTR courtrooms.

If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least 48 hours before the commencement of the proceedings.

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.