

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-011848

11/18/2009

HON. EDWARD O. BURKE

CLERK OF THE COURT
L. Nixon
Deputy

FORT MCDOWELL YAVAPAI NATION

JEFFERY M HALL

v.

INTEGRACRETE L L C, et al.

INTEGRACRETE L L C
C/O ARIZONA CORP. COMMISSION
1300 W JEFFERSON ST
PHOENIX AZ 85007

R L I INSURANCE COMPANY
CLAIMS DEPARTMENT
P.O. BOX 3961
PEORIA IL 61612-3961
KYLE A ISRAEL
MONTE LEE PLOUGH
29706 NORTH 58THG STREET
CAVE CREEK AZ 85331
BEN J HIMMELSTEIN
JAMES P KNELLER

COMPREHENSIVE PRETRIAL
CONFERENCE SETTING

The Court has received and reviewed Plaintiff's Motion to Set and Certificate of Readiness.

IT IS ORDERED setting this matter for a Comprehensive Pretrial Conference, pursuant to Rule 16(b) on **December 23, 2009, at 9:00 a.m. (15 min.)** before:

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HON. EDWARD O. BURKE
Judge of Superior Court of Arizona
125 W. Washington - OCH
Courtroom 103 – 1st Floor
Phoenix, Arizona 85003
(602) 506-6538

The parties may appear telephonically. Counsel will need to confer as the court cannot accept multiple calls. If all parties wish to appear telephonically, Plaintiff's counsel shall initiate the conference call. The court's phone number is (602) 506-6538. Transmissions over cellular telephones and speaker phones are not clearly received by the court's phone system and, therefore, are not allowed.

The court will set a firm trial date at this conference. Counsel are advised to have their trial calendars with them.

IT IS FURTHER ORDERED that the parties shall submit a Joint Pretrial Memorandum as set forth below.

IT IS FURTHER ORDERED:

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 December 18, 2009**, a **Joint Pretrial Memorandum**. The memorandum shall address all the matters listed in Rule 16(b) and additional items set forth below.

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.

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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 will 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.**
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 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. **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 because the court is unaware that an extension had been granted.

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.