

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-082719

12/01/2011

HONORABLE LINDA A. AKERS

CLERK OF THE COURT
I. Ostrander
Deputy

LAUREN HUNTER

MICHAEL WILLIAM MCNAMARA

v.

REGENCY HOUSE ASSOCIATION, et al.

WALTER GROCHOWSKI

STEVEN GERVAIS
JAMES WM JUNKER

COMPREHENSIVE PRE-TRIAL CONFERENCE SETTING

The Court is in receipt of Plaintiff's *Motion to Set and Certificate of Readiness* filed November 17, 2011.

IT IS ORDERED setting this matter for **Comprehensive Pre-Trial Conference** on **February 9, 2012, at 9:00 a.m. (time allotted: 15 minutes)** before:

**HONORABLE LINDA A. AKERS
SOUTHEAST ADULT FACILITY
222 EAST JAVELINA AVENUE
COURTROOM 206
MESA, ARIZONA 85210**

IT IS FURTHER ORDERED the parties shall submit a Joint Pre-Trial Memorandum as set forth below.

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The Court will review the Joint Pre-Trial Memorandum and proposed scheduling order prescribed herein. The Court may adopt or modify the discovery and disclosure schedule order and set a scheduling conference for the purpose of setting a trial date. If the parties agree to the discovery and disclosure schedule and the Court signs the proposed scheduling order, the Court shall vacate the Comprehensive Pre-Trial Conference pursuant to Rule 16(b). If counsel still believe that a pre-trial conference is necessary at this stage of the litigation, they should address the reasons for the need for a pre-trial conference in the first paragraph of the Joint Pre-Trial Memorandum.

If the parties fail to file a timely memorandum, the pre-trial conference may be vacated, the Court may place the matter on the Inactive Calendar for dismissal, and sanctions may issue pursuant to Rule 16(f).

Counsel and any self-represented litigants are directed to meet personally to discuss all of the matters set forth in Rule 16(b), Arizona Rules of Civil Procedure. The parties shall prepare and file with the Court no later than **5:00 p.m. on February 2, 2012**, a Joint Pre-Trial Memorandum and a proposed scheduling order for discovery, motion, and disclosure deadlines. The proposed order shall include dates for the following items and shall conform substantially with the attached sample order.

If the parties agree as to the dates, they need only prepare and submit **one** proposed order attached to the Joint Pre-Trial Memorandum. If counsel are unable to agree on any of the provisions that are to be included in the form of order, the reasons for their inability to agree shall be set forth in the Pre-Trial Memorandum and **each** counsel 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."**

Counsel are reminded that the Court will impose sanctions against counsel and/or their clients for failure to participate in good faith in the preparation of the Joint Pre-Trial Statement.

IT IS FURTHER ORDERED that in no less than five days prior to the Status Conference set herein, the parties shall submit a Joint Statement and shall report to the Court the history and status of the efforts at Alternative Dispute Resolution pursuant to Rule 16(g).

DISCOVERY DISPUTES: In the event of any dispute concerning discovery, counsel are directed to confer pursuant to Rule 26(g). If such conference is unsuccessful, counsel are directed to initiate a conference call with this division **BEFORE** filing a motion to compel and/or a motion for protective order.

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IT IS FURTHER ORDERED 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, rather, to ensure that no party suffers summary disposition of any issue by virtue of an extension of which the Court is unaware.

PROPOSED SCHEDULING ORDER FORM

The Court has received the parties' Joint Pre-Trial Memorandum. In accordance therewith,

IT IS ORDERED entering the following schedule for disclosure as set forth unless the parties obtain written modifications by the Court:

1. Plaintiff's final expert disclosure (in accordance with Rule 26.1 (a)(6), Arizona Rules of Civil Procedure) shall be served by **MM/DD/YYYY**.
2. Defendant's final expert disclosure (in accordance with Rule 26.1 (a)(6), Arizona Rules of Civil Procedure) shall be served by **MM/DD/YYYY**.
3. Final expert disclosures by either party (in accordance with Rule 26.1 (a)(6), Arizona Rules of Civil Procedure) shall be served by **MM/DD/YYYY**.
4. Final non-expert disclosures by either party (in accordance with Rule 26.1 (a)(6), Arizona Rules of Civil Procedure) shall be served by **MM/DD/YYYY**.
5. All discovery shall be completed by **MM/DD/YYYY**.
6. Dispositive motions shall be filed by **MM/DD/YYYY**.
7. The parties remaining in this action shall complete mediation by **MM/DD/YYYY**.

IT IS ORDERED the parties shall participate in private mediation. The cost of private mediation shall be paid proportionately by the parties.

OR

The parties shall participate in a mandatory settlement conference. This matter is referred to the Court's Alternative Dispute Resolution for the appointment of a judge *pro tempore* to conduct a settlement conference. Counsel and any self-represented

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litigants will contact the appointed judge *pro tempore* to arrange the time and location for the settlement conference. The judge *pro tempore* is requested to conduct a settlement conference no later than MM/DD/YYYY. The Office of Alternative Dispute Resolution will not schedule the settlement conference, so please do not contact that office.

8. No expert witnesses, expert opinions, lay witnesses, or exhibits shall be allowed at trial other than those disclosed in a timely manner, except for good cause shown or by written agreement of the parties.
9. A telephonic status conference is set for **[counsel to leave this date and time blank]** **(time allotted: 15 minutes)** for the purpose of assigning a trial date, if the case has not settled.

NOTE: Plaintiff shall initiate the telephonic conference by first arranging the presence of all other counsel or self-represented parties on the conference call and then calling this division at (602) 506-1541 promptly at the scheduled time.

10. Should any discovery disputes arise, the parties shall meet and confer prior to filing discovery motions pursuant to Rule 37(a)(2)(C), Arizona Rules of Civil Procedure. If a discovery issue is time sensitive, the Court will hear the matter on an expedited basis.

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

ALERT: Effective September 1, 2011, the Arizona Supreme Court Administrative Order 2011-87 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.