Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
12/01/2016 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-008598 11/14/2016

HONORABLE KAREN A. MULLINS

CLERK OF THE COURT
P. Roe
Deputy

H S B C BANK U S A NATIONAL ASSOCIATION

LYDIA REED TULIN

v.

ANDREW J SALAZAR, et al.

ANDREW J SALAZAR
6789 W TETHER TR
PEORIA AZ 85383

FRED A CERRA
6789 W TETHER TR
PEORIA AZ 85383

THIS IS A TRIAL SETTING ORDER

PLEASE READ CAREFULLY FOR COMPLIANCE

Courtroom: 814 (ECB)

8:48 a.m. This is the time set for Telephonic Status Conference to set Trial. Plaintiff, HSBC Bank USA National Association, is represented telephonically by counsel, Lydia Reed Tulin. Defendants, Andrew J Salazar and Fred A Cerra are present telephonically on their own behalf.

A record of the proceedings is made digitally in lieu of a court reporter.

Based on discussion held,

SUPERIOR COURT OF ARIZONA
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IT IS ORDERED correcting the Court's May 20, 2016 Minute Entry with regards to Defendant's Verified Motion for Summary Judgment Pursuant to Ariz.R.Civ.P. 56(a) Plaintiff's Cross-Motion for Summary Judgment was denied. Plaintiff's Motion to Strike , filed April 25, 2016 was granted.

IT IS ORDERED setting this matter for a 3 day jury trial for **July 17-19, 2017 at 9:30 a.m.** before:

THE HONORABLE KAREN A. MULLINS
MARICOPA SUPERIOR COURT
EAST COURT BUILDING
101 W. JEFFERSON
8th FLOOR-COURTROOM 814
PHOENIX, AZ 85003
PHONE: 602-372-1160

Trial days are normally 9:30 a.m. to 4:30 p.m., Monday through Thursday.

This is a firm trial setting. A motion to continue based on lack of preparation will ordinarily not be granted.

IT IS FURTHER ORDERED setting a Final Trial Management Conference for **June 30, 2017 at 11:00 a.m. (time allotted: 1 hour)**. Trial Counsel shall appear *in person* for the Conference. Any self-represented party shall appear in person for the Conference. This minute entry Order sets forth tasks that must be completed by Trial counsel. Any party that is self-represented is advised that all tasks imposed upon "counsel" in this minute entry Order apply to self-represented litigants.

NOTE: 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.

8:56 a.m. Conference concludes.

Based upon the foregoing trial setting,

IT IS ORDERED:

PRETRIAL PROCEEDINGS

Motions *in limine* shall be filed no later than **June 1, 2017.** Motions *in limine* may and shall be filed only in accordance with Ariz.R.Civ.P. 7.2. **Prior to filing any motion *in limine*, the parties through counsel must meet and confer to attempt to resolve issues to be raised by such motions, and any motions *in limine* must include a certification that counsel have so conferred**. Unless prior written leave of Court is obtained for good cause shown, no party may file more than three (3) motions *in limine*. The parties shall not file motions denominated as "*in limine*" that are, in substance, late-filed motions for summary judgment. All motions *in limine*, whether filed before or after the date of this minute entry, will be considered at the pretrial management conference unless counsel advises the Court that a compelling reasons exist to resolve any such motion at an earlier date.

PRETRIAL STATEMENT AND MANAGEMENT CONFERENCE DUTIES

A Joint Pretrial Statement (JPTS) must be filed no later than **June 23, 2017**. In addition to the materials required by Ariz.R.Civ.P. 16(g), counsel shall meet prior to the Final Trial Management Conference in order to discuss and prepare the following, which shall be filed with or included in the JPTS:

A. Proposed *voir dire* questions.

B. A completed Witness Information Form (attached), setting forth a list of all witnesses each party intends to call at trial in the order in which the party intends to call the witness, together with the estimated time needed for direct, cross, and redirect examinations.

C. A joint set of agreed-upon jury instructions and verdict forms. Each party shall provide separate sets of any requested instructions that have not been agreed upon. (Please review *Rosen v. Knaub*, 175 Ariz. 329, 857 P.2d 381 (1993) and the RAJI Civil 4th Statement of Purpose and Approach before requesting non-RAJI instructions.) Recommended Arizona Jury Instructions (RAJI (Civil) 4th) need not be retyped, but may be listed by name and number, such as:

RAJI Preliminary 1 - - Duty of Jurors
RAJI Standard 2 - - Burden of Proof

RAJI Negligence 1 - - Violation of Statute

NON-RAJI INSTRUCTIONS shall be typed in Word Format, numbered consecutively, one per page, with legal authority in support of the instruction. A CD of any non-RAJI instructions shall be provided to this Division. (No CD is required for RAJI instructions.)

D. A brief statement of the claims for inclusion in RAJI Preliminary 14 – Claims Made and Issues To Be Proved.

E. A stipulated brief summary of the case, to be read by the court during *voir dire*.

F. A list, by page and line numbers, of all deposition or other transcribed testimony that may be offered at trial, other than for impeachment, including designations of testimony that a party believes ought in fairness to be introduced pursuant to Ariz.R.Civ.P. 32(a) together with any testimony to be offered by an opposing/other party. The court shall also be provided with copies of those parts of any such testimony to which objection is made, indicating the testimony objected to and the reasons for such objection. **Any objection not so included is waived**. Since jurors generally prefer narrative summaries or brief excerpts of questions and answers, the parties should confer and prepare agreed-upon summaries.

G. A list of all marked exhibits containing a brief description of each exhibit and any objections to such exhibits. **Any objection not so included is waived**.

H. Copies of all expert disclosures made pursuant to Ariz.R.Civ.P. 26.1(a)(6).

At the Final Trial Management Conference, counsel who will try the case shall appear and be prepared to discuss and resolve:

A. Allocation of trial time among the parties and, if appropriate, time limits for *voir dire*, opening statements, witness examinations, and closing arguments;

B. Stipulations regarding witnesses testimony and the admission of exhibits;

C. Jury instructions, juror notebooks, and verdict forms;

D. Deposition summaries and excerpts from depositions including objections thereto;

E. Scheduling, equipment, or interpreter issues;

F. Status of settlement negotiations;

G. Motions *in limine*; and

H. Other matters addressed in the JPTS.

One day's jury fees will be assessed against the parties (evenly divided) unless the court is notified of settlement by 2:00 p.m. on the judicial day before trial. Counsel are reminded to promptly notify the Court of any settlement pursuant to Rule 5.1(c)

PLEASE READ THE FOLLOWING FURTHER INSTRUCTIONS CAREFULLY

- Exhibits to be offered at trial shall be delivered to the Division clerk no later than **June 26, 2017**. If you have any questions regarding the guidelines set forth below or anything related to exhibits, contact this division's clerk at (602) 372-1153.

- Exhibits should be submitted to the clerk separated by a tabbed and numbered divider. Staple or otherwise secure each individual exhibit so that pages do not become separated. If an exhibit is too heavy or large for a hanging file folder, place it in a binder. ***Exhibits not securely bound or bound with binder clips, paper clips, or rubber bands will not be accepted.***

- The list of exhibits should contain the case number and caption, the scheduled trial date, the party submitting the exhibits, the exhibit number, and a simple description of the exhibit. Keep the descriptions of the exhibits *simple*. Do not use a description that cannot be verified by looking at the document or item. *Do not include Bates numbers* in your description of the exhibits.

- Exhibits shall be marked numerically and consecutively beginning with Plaintiff's exhibits and continuing sequentially with Defendant's exhibits (e.g. Plaintiff's exhibits 1, 2, 3, Defendant's exhibits 4, 5, 6). *Do not skip numbers.* Numbers will not be skipped or saved in anticipation of additional exhibits not yet submitted. Any missing or skipped exhibits shall be designated as *"Unused."* Additional exhibits, if necessary, may be marked during the course of trial.

- Counsel shall eliminate duplication of exhibits; duplicate exhibits *will not* be marked. If duplicate exhibits exist and they are removed by the clerk and not marked, the court's numbering will not be consistent with the numbering counsel provided. Counsel shall, therefore, confer regarding exhibits to ensure that there are no duplicates.

- *Do not list depositions* on the exhibit description list because depositions are not marked as exhibits. Original depositions shall be provided to the clerk at the time of trial for filing directly into the court record. Counsel shall retain a copy of the depositions for their use during the trial. The original depositions remain with the clerk to be used as reference by the trial judge during testimony.

- Posterboards and large items may only be used for demonstrative purposes. Counsel shall advise opposing/other counsel of any demonstrative posterboards or other items at least three (3) judicial days prior to trial. Counsel may bring posterboards and large items to court to use during trial, however, if counsel intends any posterboards or large items marked as an exhibit, they must provide the clerk with an 8-1/2 x 11 photograph/copy of the item and include the photograph/copy in the submitted list of exhibits. Courtroom 309 is *not* an e-courtroom. No equipment is available in the courtroom except a large screen that may be used at trial for projection of images. Equipment to project images, however, is the sole responsibility of the parties. Court staff is not available or trained to assist any party with any equipment you may bring or use at trial.

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WITNESS INFORMATION FORM

WITNESSES FOR PLAINTIFF(S)

	WITNESS NAME	DIRECT	CROSS
1			
2			
3			
4			

DIRECT & CROSS TOTAL: _____

WITNESSES FOR DEFENDANT(S)

	WITNESS NAME	DIRECT	CROSS
1			
2			
3			
4			

DIRECT & CROSS TOTAL: _____

TOTAL WITNESS TIME ESTIMATE: _____

TIME ESTIMATE FOR:	PLAINTIFF	DEFENDANT
OPENING STATEMENT		
CLOSING ARGUMENT	1ST: 2nd:	