

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-090103

12/16/2016

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

TAPESTRY ON CENTRAL L L C

RYAN J LORENZ

v.

TAPESTRY ON CENTRAL CONDOMINIUM
ASSOCIATION

KEVIN P NELSON

MICHAEL A WRAPP
ROBERT G ANDERSON
ANDREW B TURK
JACOB REICH

MINUTE ENTRY

Courtroom 207 – SEF

2:11 p.m. This is the time set for Oral Argument re: Defendant's Motion in Limine/Trial setting conference. Counsel, Ryan J. Lorenz, is present on behalf of Plaintiff. Counsel, Kevin P. Nelson, is present on behalf of Defendants.

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

The Court has reviewed the case file and the pleadings filed by the parties. Based on that review, the Court states its impressions and inclinations on the record.

Oral argument is presented.

IT IS ORDERED taking Defendant's Motion in Limine under advisement.

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Discussion is held regarding the time needed for trial in this matter.

IT IS ORDERED:

1. **TELEPHONIC TRIAL MANAGEMENT CONFERENCE**

A telephonic Trial Management Conference is set for **August 11, 2017 at 9:00 a.m. (30 minutes allotted)**. The lead trial counsel for each party is required to participate in the telephonic Trial Management Conference. Self-represented litigants are also required to participate. Except as stated above, parties are not required to participate. Failure of any trial counsel or any self-represented litigant to participate in the telephonic Trial Management Conference may result in sanctions.

At the telephonic Trial Management Conference, counsel for each party and any self-represented litigants shall be prepared to discuss:

- A. Length of *voir dire*, opening statements, examination of witnesses, and closing arguments.
- B. The number of jurors on the jury panel, and the involvement of the alternate jurors in deliberation.
- C. Stipulations for the foundation, authenticity, and admission of exhibits.
- D. Preliminary and final jury instructions.
- E. Agreed-upon deposition summaries and excerpts from deposition transcripts and/or videotaped depositions.
- F. Any special witness scheduling or equipment-related issues.
- G. A brief summary of the case to be read to the jury.
- H. The allocation of trial time per party.

NOTE: Counsel for the Plaintiff is to initiate the telephonic conference by first arranging the presence of all other counsel or self-represented parties on the conference call and by calling this Division at (602) 506-6251 promptly at the scheduled time.

2. **MOTIONS IN LIMINE**

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Any and all Motions *in Limine* (prepared separately as to each issue) shall be filed **no later than July 11, 2017**, and shall be hand-delivered to opposing counsel and the Court. Such motions must meet the test of *State v. Superior Court*, 108 Ariz. 396, 397, 499 P.2d 152 (1972) (“The primary purpose of a Motion *in Limine* is to avoid disclosing to the jury prejudicial matters which may compel a mistrial”). *See also*, Ariz. R. Evid. 103(c). Written responses to Motions *in Limine* shall be filed **no later than July 21, 2017** and provided to opposing counsel and this Division. Replies shall not be allowed absent leave of Court. Failure to meet and confer in accordance with Ariz.R.Civ.P. 7.2(a) prior to the filing of any Motion *in Limine* may result in sanctions.

The Court will rule on Motions *in Limine* without oral argument unless otherwise ordered. Any Motion *in Limine* not timely filed will be deemed waived.

3. **JURY SELECTION**

The Court uses the “struck” method for jury selection. The parties will be permitted to conduct their own *voir dire* after the Court completes its own *voir dire*. The purpose of *voir dire* is to secure a fair and impartial jury and not to educate the jury as to the legal/factual theories espoused by a particular party.

4. **TRIAL**

This matter is set for a Jury Trial on **August 21, 2017** in this Division.

LENGTH OF TRIAL: 8 days

HONORABLE DAVID TALAMANTE
SOUTHEAST COURTHOUSE
222 EAST JAVELINA
COURTROOM 207
MESA AZ 85210

THIS IS A FIRM TRIAL SETTING

Trial days and hours are as follows: Monday through Thursday from 9:30 a.m. to 4:30 p.m. daily. The Court will take two 15-minute recesses, one in the morning and one in the afternoon. The lunch recess will be from 12:00 p.m. to 1:30 p.m.

5. **MARKING EXHIBITS FOR TRIAL**

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Trial counsel and self-represented litigants (“the parties”) are directed to personally meet **no later than June 21, 2017** to exchange trial exhibits and discuss the exhibits prior to submitting them to the Court for trial. At this meeting, the parties’ shall attempt to agree on authenticity, foundation, and admission of the exhibits to shorten the time spent on exhibits during the trial.

The parties shall deliver to the Clerk of this Division all exhibits they will be introducing at trial **no later than noon on August 11, 2017**. Counsel shall present all exhibits with a written list of brief exhibit descriptions to the Clerk. Exhibits shall not be placed in a notebook unless they are voluminous. Juror exhibit notebooks are optional. Each exhibit shall be clipped or bound if too large to be stapled. Exhibits are to be separated by a colored sheet of paper or by a tabbed divider sheet. Expanding file folders are not to be used to separate the exhibits. An enlargement may be used for demonstrative purposes; however an 8 ½ x 11 size copy of the enlargement must be submitted with the other exhibits and will be marked for demonstrative purposes only. (Enlargements will be released to the party using said enlargement at the end of trial.) The exhibits will be marked by the Clerk in consecutive order: Plaintiff’s exhibits marked first; Defendant’s exhibits marked second. Exhibits are assigned numbers in a serial fashion. Placeholders will not be accepted and exhibit numbers will not be reserved for exhibits not presented at this time. The parties shall ensure that there are no duplicate exhibits. Failure to follow the procedure for submitting trial exhibits may result in the exclusion of that party’s exhibits at trial.

6. **DEPOSITIONS**

To the extent reasonably possible, the content of any deposition a party intends to offer in evidence shall be either summarized or relevant excerpts of the deposition shall be extracted. Videotape depositions shall be edited in the same manner. Deposition summaries and excerpts shall be exchanged by the parties prior to the Trial Management Conference.

7. **WITNESS INFORMATION FORM**

Counsel for each party and any self-represented litigant shall meet **no later than July 26, 2017** to complete the Witness Information Form which is attached to this minute entry. The parties shall set forth the names of each witness and the estimated time required for direct and cross-examination. Time estimates shall also be set forth for opening statements and closing arguments. The completed form shall be submitted with the Joint Pretrial Statement. The Court will rely upon the Witness Information Form to predict the length of the trial for the jurors and to allocate the time allowed for each party to present its case to the jury.

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Attachment: Witness Information Form.

8. **FINAL JOINT PRETRIAL STATEMENT**

The Joint Pretrial Statement meeting the requirements of Ariz.R.Civ.P. 16(d)(2)(A)-(K) shall be delivered to this Division **by 5:00 p.m. on August 8, 2017**. In addition to the requirements of Ariz.R.Civ.P. 16(d)(2)(A)-(K), the parties shall submit to the Court:

- A. A statement by each party identifying all expert witnesses, the opinions of said experts, and a description of the factual/substantive basis for each such opinion.
- B. A statement by each party of all preliminary standard (and other RAJI Civil instructions) and final jury instructions jointly agreed upon by the parties.
- C. Written objections to any jury instructions citing specific authority in support of said objections.
- D. A completed Witness Information Form.
- E. Any voir dire questions a party seeks to ask during jury selection.
- F. Trial memoranda.

WITNESS INFORMATION FORM

WITNESSES FOR PLAINTIFF(S)

	WITNESS NAME	DIRECT REDIRECT	AND	CROSS
1				
2				
3				
4				
5				

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DIRECT, REDIRECT & CROSS TOTAL: _____

WITNESSES FOR DEFENDANT(S)

	WITNESS NAME	DIRECT REDIRECT	AND	CROSS
1				
2				
3				
4				
5				
6				

DIRECT, REDIRECT & CROSS TOTAL: _____

TOTAL WITNESS TIME ESTIMATE: _____

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

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.

2:53 p.m. Conference concludes.