

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-013508

12/11/2017

HON. SHERRY K. STEPHENS

CLERK OF THE COURT
T. DeRaddo
Deputy

WINDMILL VILLAGE HOMEOWNERS
ASSOCIATION INC

MARK K SAHL

v.

STANLEY BIBBS, et al.

STANLEY BIBBS
991 S. 219TH DRIVE
BUCKEYE ARIZONA 85326

DEBORAH BIBBS
991 S. 219TH DRIVE
BUCKEYE ARIZONA 85326

TRIAL TO THE COURT SET

East Court Building - Courtroom 712

8:35 a.m. This is the time set for an Order to Show Cause Hearing. Appearing on behalf of Plaintiff is counsel, Nicholas Nogami. Defendants Stanley Bibbs and Deborah Bibbs are present on their own behalf.

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

The parties stipulate to combine the Order to Show Cause Hearing with a Trial on the Merits. The parties advise the Court that they are prepared to set a trial date. Accordingly,

IT IS ORDERED as follows:

1. Setting Trial to the Court on **February 5, 2018 at 8:30 a.m.** (time allotted: 4 hours)

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2. Joint Pretrial Statement: Counsel shall file, no later than **January 26, 2018**, a Joint Pretrial Statement signed by all counsel/pro pers. In addition to the information required by Rule 16, the Joint Pretrial Statement shall include,
 - A Final Trial Witness List. This list shall contain the name of each witness a party actually intends to call at Trial, the day on which they intend to call each witness and the **estimated time needed for direct, cross and re-direct examination**. (see Witness Information Form attached)
 - Whether or not the Rule of Exclusion of Witnesses is being invoked.
3. Findings of Fact and Conclusions of Law: This matter is set for a trial to the bench. Any party who requests Rule 52 Findings of Fact and Conclusions of Law shall file a written request no later than thirty (30) days prior to trial. A party who makes this request shall file Proposed Findings of Fact and Conclusions of Law no later than twenty (20) days after the trial concludes, unless otherwise ordered by the Court. Any party who did not request Rule 52 findings may file its own Proposed Findings of Fact and Conclusion of Law by the same deadline. In addition to filing the Proposed Findings of Fact and Conclusions of Law, an electronic version in Word or Word-compatible format shall be provided to the Division's Judicial Assistant. If Proposed Findings of Fact and Conclusions of Law are not filed as ordered, the request shall be deemed waived.

Exhibits

4. Counsel or their assistants are to contact the clerk of this division at **602-506-1471**, no later than **January 26, 2018**, regarding the proper procedures for submitting exhibits to be marked for trial in this division.

No later than **January 30, 2018**, all parties shall deliver their exhibits. *The parties are directed to meet in person to exchange the exhibits before coming to court and, to the extent possible, remove any duplicate exhibits.* The parties should not reserve exhibit numbers for all Defendants' exhibits, all Plaintiffs' exhibits, miscellaneous demonstrative exhibits, and the like. The parties shall also present original depositions for filing at that time.

Exhibits are marked in numerical order per party, making it necessary to mark all of one party's exhibits before marking the other party's. Accordingly, the Defendant's exhibits numbering shall start at the next number following the last of Plaintiff's

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exhibits. (For example, Plaintiff submits 82 exhibits, which are marked Exhibit 1 through 82. Defendant submits 63 exhibits, which are marked 83 through 145). Please do not combine the parties' exhibits. Each side's exhibits must be submitted separately and in numerical order.

IT IS ORDERED that any exhibit in excess of 20 pages shall be bates stamped.

A trial date now having been set, the parties may, without leave of the Court, modify the deadlines previously set in the previously filed Scheduling Order using the trial date as a guideline for the new dates. Should the parties reach an impasse in their discussions to modify the deadlines, they may contact the Court for the setting of a telephonic status conference.

NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a videotape or CD of the proceedings for a \$30.00 charge. If a CD or videotape is requested, please obtain a form from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee **at the Self Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the courtroom clerk or bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.** Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call 602-506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

NOTE: 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.

Effective February 15, 2017, Rule 9.8 of the Maricopa County Superior Court Local Rules of Practice (Reporting of Oral Arguments and Hearings) has been abrogated. See Arizona Supreme Court Order No. R-16-0044. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

8:38 a.m. Matter concludes.

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WITNESS INFORMATION FORM

Please note that there are approximately 5 hours of trial time which includes two 15-minute breaks and 1½ hours for lunch.

WITNESSES FOR PLAINTIFF(S)

	WITNESS NAME	DIRECT & RE-DIRECT	CROSS
1			
2			
3			
4			
5			
6			

DIRECT, RE-DIRECT & CROSS

TOTAL: _____

WITNESSES FOR DEFENDANT(S)

	WITNESS NAME	DIRECT & RE-DIRECT	CROSS
1			
2			
3			
4			

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5			
6			

DIRECT, RE-DIRECT & CROSS

TOTAL: _____

TOTAL WITNESS TIME ESTIMATE: _____

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

TOTAL ESTIMATED TRIAL TIME: 4 hours.