

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-005353

08/11/2017

HON. RANDALL H. WARNER

CLERK OF THE COURT
K. Ballard
Deputy

GLENN MILLER, et al.

RODNEY GALARZA

v.

PEERLESS PLUMBING COMPANY INC, et al. TICO GLAVAS

TRIAL MANAGEMENT CONFERENCE

Courtroom: ECB-912

11:00 a.m. This is the time set for a trial management conference. Plaintiffs are represented by Counsel Rodney Galarza. Defendants are represented by Counsel Tico Glavas, John A. Elardo and Venessa Joan Bragg.

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

Defendants' counsel advises the court that a motion to postpone the trial was filed yesterday. The basis for the motion is discussed.

The court will allow Plaintiffs time to respond to the motion before ruling.

IT IS ORDERED that a response to the motion to postpone shall be filed no later than Friday, August 18, 2017.

The claims in the case are briefly discussed. Defendants indicate that there will be 2 non-parties at fault.

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Discussion is held regarding the length of the trial. This trial is scheduled for 3 days beginning on August 28, 2017.

Defendants believe the trial may run into a 4th trial day. Accordingly, the court will convert the trial to 4 days with the last day being August 31st.

Trial hours and days are normally 9:30 a.m. to 4:30 p.m. (with a lunch recess from noon to 1:30 p.m. and two 15-minute recesses, daily), Monday through Thursday.

The court will allocate trial time in this matter. The allocations include each counsel's individual voir dire, opening statements, closing arguments, and any time spent examining witnesses. The court will advise counsel of their exact trial time on the first day of trial.

The parties are advised to have witnesses prepared and ready to testify at all times during the trial so that the jury's time is used efficiently. Failure to adhere to this instruction will result in the lost trial time being charged against the party failing to present a witness.

The electronic equipment available in the courtroom is briefly addressed. Counsel are encouraged to schedule an appointment with the court's bailiff to become familiar with the equipment.

Neither side is requesting the presence of a court reporter for the trial.

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.

The Rule of Exclusion of Witnesses is invoked by both parties.

The jury will consist of 8 jurors and 1 alternate for a total of 9 jurors. Whether the alternate will be permitted to deliberate will be addressed at a later time. The court will request an initial panel of 35 prospective jurors.

The voir dire process is briefly reviewed.

The deadline for delivery of trial exhibits to the courtroom clerk is affirmed: **August 14, 2017**. This is a firm deadline.

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Counsel are advised that objections to exhibits will be resolved during the course of trial. Additionally, admission of exhibits, whether through stipulation or for lack of preserving an objection in the Joint Pretrial Statement, will also be addressed during the trial.

Counsel do not believe either side will be reading deposition testimony in lieu of live testimony.

The court will provide counsel a draft set of preliminary jury instructions the first morning of trial. Any objections will be resolved prior to presentation to the jury. The final jury instructions will be resolved during the course of trial.

The court will prepare a case summary to be read to the jury during voir dire.

As the court just received Defendants' Motion in Limine #4 prior to this conference, and received Defendants' Motion in Limine #3 a few days ago, neither motion will be addressed today. The motions will be addressed at a later date, if necessary.

With regard to rulings on motions in limine, counsel are advised that all denials are without prejudice to raising the issues at trial.

Plaintiffs' July 21, 2017 Motion in Limine is discussed.

IT IS ORDERED denying the Motion.

Oral argument is presented on Defendants' July 21, 2017 Motion in Limine #1 Regarding Plaintiffs' Diminution of Value Claim and Defendants' Motion in Limine #2 Regarding the Testimony of Expert Witnesses of Lyn Glenn and Stephen Gustafson.

IT IS ORDERED denying Defendants' Motion in Limine #1 for the reasons set forth on the record.

IT IS ORDERED granting Defendants' Motion Limine #2 for the reasons set forth on the record.

11:46 a.m. Matter concludes.