

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-008439  
CV 2005-0019822

06/09/2006

JUDGE PENDLETON GAINES

CLERK OF THE COURT  
S. Bindenagel  
Deputy

FILED: 06/19/2006

PHOENIX CITY

CHRISTINA E KOEHN

v.

BEARDSLEY AND I-17 L L C, et al.

THOMAS K IRVINE

F MICHAEL CARROLL  
STANLEY Z GOODFARB

MINUTE ENTRY

11:04 a.m. This is the time set for Telephonic Pretrial Conference. Plaintiff City of Phoenix is represented by counsel, Christina E. Koehn. Defendant Werner Way, Inc. is represented by counsel, F. Michael Carroll and Stanley Z. Goodfarb. Defendants BI-17, LLC and Lutheran Brotherhood are represented by counsel, Thomas K. Irvine. Counsel appear telephonically.

Court reporter, Dotty Reaume, is present.

Discussion held on severance of the relocation benefit phase of this matter. There being no objection,

IT IS ORDERED severing the condemnation phase of this case from the claim of Werner Way, Inc. for relocation benefits. The clerk of the Court is directed to obtain a new filing number for Werner Way, Inc. relocation benefits phase of this case.

Separate scheduling orders are as follows:

The condemnation case:

1. Plaintiff's appraisal previously served on the Defendant Beardsley will stand as its final expert disclosure of facts and opinions relative to fair market value.

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2. If Defendant Beardsley elects to use a different expert or a new appraiser, they must make a full, final and complete disclosure of those appraisals and all expert opinions no later than July 21, 2006.
3. If Plaintiff wishes to rebut anything in Defendant Beardsley's new appraisal, they may do so no later than October 31, 2006. All non-expert witnesses will be mutually and simultaneously disclosed no later than October 31, 2006.
4. All discovery will be concluded no later than February 28, 2007.
5. At the initiative of counsel for the Plaintiff, a mandatory settlement conference will be conducted and concluded not later than **February 28, 2007**, either before a private mediator under such terms and conditions as the parties may agree upon or by a referral to the Court's ADR office. NOTE: This minute entry is not self-executing. If counsel wish to request the appointment of a pro tem settlement judge through the Court's ADR Office, Plaintiff must make such request not later than **90** days before the settlement conference deadline date.
6. The Court sets a telephonic continued pretrial conference for **March 15, 2007 at 9:00 a.m.**, in this division, for the purpose of setting a trial date, if necessary. 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 (602-506-3940) **promptly** at the scheduled time.

The Relocation benefit phase:

1. Defendant Werner Way, Inc. has made its expert disclosures.
2. The Plaintiff will make its expert disclosure no later than July 14, 2006.
3. Werner Way, Inc. will disclose its expert witnesses no later than July 14, 2006.
4. All non-expert witnesses and exhibits will be mutually and simultaneously exchanged no later than August 30, 2006.
5. All discovery in this case will be concluded no later than September 30, 2006.
6. If there is any disagreement regarding any proposed discovery under Rule 56(f), the parties will not file any Rule 56(f) motions. They must personally meet, confer

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and try to resolve the dispute. If they cannot, they must contact this division immediately.

7. The reply on the Motion for Summary Judgment is due no later than July 25, 2006. The Court will review and determine if an oral argument is appropriate.
8. The Court sets a telephonic continued pretrial conference on **October 5, 2006 at 9:15 a.m.** in this division, for the purpose of setting a trial date, if necessary.

11:42 a.m. Matter concludes.