

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-021573

04/10/2006

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
C.I. Miller
Deputy

FILED: 04/13/2006

PHOENIX CITY

DAVID A PENNARTZ

v.

FRANK SZETO, et al.

DOUGLAS G MARTIN

JOHN W PAULSEN
ALTERNATIVE DISPUTE
RESOLUTION - CCC

COMPREHENSIVE PRETRIAL ORDER

IT IS ORDERED vacating the Rule 16 Comprehensive Pretrial Conference set this date.

The court has received and reviewed the parties' Joint Pretrial Conference Memorandum.

THIS IS NOT A TRIAL SETTING ORDER.

A Trial Date will be set only after the parties have complied with the mandatory settlement conference and the discovery requirements of this order.

The court adopts and incorporates all other deadlines set forth in the parties' Joint Pretrial Conference Memorandum, except as modified by this minute entry.

IT IS ORDERED that the parties shall participate in a Mandatory Settlement Conference. **A decision maker for each party must participate in the settlement conference.** This case is referred to the court's Alternative Dispute Resolution **for** the appointment of a judge *pro tempore* to conduct a Settlement Conference **by November 17, 2006.** Counsel and/or the parties will receive a minute entry from ADR appointing the judge *pro tempore*. **Counsel and any "pro per" party will contact the appointed judge *pro tempore* to arrange the date, time and location for the settlement conference. The judge *pro tempore* is requested to conduct a Settlement Conference no later than the above-noted date. The Office of Alternative**
Docket Code 028 Form V000A Page 1

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-021573

04/10/2006

Dispute Resolution will not do the scheduling of the settlement conference, so please do not contact the ADR office.)

If the parties prefer to use a private mediator to conduct the Settlement Conference, a Stipulation and Order Re: Alternative to ADR **must be presented to the court no later than 5:00 p.m., on October 17, 2006.** If the parties elect to use a private mediator, each party must still be represented at the settlement conference by a decision maker.

IT IS ORDERED setting a Status Conference to set a Trial Date for **November 27, 2006, at 9:00 a.m. (15 mins.).**

IT IS FURTHER ORDERED as follows:

1. DISCLOSURE, DISCOVERY AND MOTIONS DEADLINES ARE LISTED BELOW:

Disclosure of appraisal experts and opinions: **May 19, 2006;**

Deadline for providing notice of retention and identity of non-appraisal expert witnesses **June 23, 2006**

Disclosure of opinions of non-appraisal expert witnesses and disclosure of non-expert witnesses **August 4, 2006**

Supplementation of opinions of non-appraisal experts and supplemental opinions of appraisal experts based on opinions of non-appraisal experts or other data **September 8, 2006**

Discovery deadline, experts and non-expert witnesses **October 27, 2006**

2. Rule 26. 1: All parties shall have exchanged up-to-date Rule 26.1 Supplemental Disclosure Statements including a disclosure of all final expert witness opinions **by December 18, 2006.** No information disclosed after this date may be used at trial absent court order on motion and affidavit. Such information must be seasonably disclosed on an ongoing basis pursuant to Rule 26.1 **prior** to this date.

3. Dispositive Motions. Any dispositive motions shall be filed **no later than November 27, 2006.**

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04/10/2006

- 4. MOTIONS IN LIMINE:** This court generally decides all motions in limine at the Trial Management Conference to be set approximately ten (10) days before the start of the trial. If a motion in limine needs to be heard before the trial management conference, it is incumbent on the parties to bring to the court's attention that a ruling is necessary prior to the trial management conference.

E-Courtroom Policies:

The proceedings will take place in the Superior Court's new "e-courtroom." A record of the proceedings may be made by videotape in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may purchase a CD for a cost of \$20.00.

Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. With this new technology, a court reporter is likely not required and the parties are encouraged to experience the court's video recording system before requesting a court reporter. If a court reporter is required, the court must receive a written request at least 48 hours before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.