

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

\*\*\* FILED \*\*\*  
08/16/2002

08/14/2002

CLERK OF THE COURT  
FORM V000A

HONORABLE CATHY M. HOLT

E. Schneider  
Deputy

CV 1999-005971

FILED: \_\_\_\_\_

CITY OF PHOENIX

WILLIAM F MCDONALD JR

v.

DINUBHAI JIVAN PATEL, et al.

DALE S ZEITLIN

ALTERNATIVE DISPUTE  
RESOLUTION - CCC

MINUTE ENTRY

This is the time set for a status conference and for oral argument on pending motions. Above-named counsel are present.

Court Reporter: Denise Couvaras

Defendant Patel's Motion to Continue Disclosure Deadlines, Discovery Cutoff and Trial Date and Plaintiff's Joinder is discussed and granted.

On stipulation,

IT IS ORDERED:

1. Discovery cutoff: 30 days prior to trial.
2. Disclosure cutoff: 60 days prior to trial.

Defendant's Notice of Trial Scheduling Conflict Between Courts is moot.

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Defendant's Motion in Limine Re: Exclusion of Evidence of Nagy's Review of Martori's Appraisal and All Evidence Submitted by Robert Haywood is withdrawn.

Plaintiff's Motion to Deny Extension of Time for Disclosure; Motion to Exclude Untimely Disclosure Materials and Motion for Sanctions is withdrawn.

On stipulation,

IT IS ORDERED referring this matter to Alternative Dispute Resolution for a mandatory settlement conference to be held in November of December of 2002, if possible.

All Motions in Limine will be held in abeyance until the Trial Management Conference.

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IT IS ORDERED:

1. This matter is reset for trial to a jury from August 27, 2002 to **Tuesday, February 4, 2003 at 9:30 a.m.** in this division.

**NOTE: JUDGE HOLT'S DIVISION IS LOCATED IN THE OLD COURTHOUSE, 125 W. WASHINGTON, 3<sup>RD</sup> FLOOR, SUITE 309, PHOENIX, ARIZONA 85003 (TEL: (602) 506-3105).**

Estimated length of trial is: 4 days

THIS IS A FIRM TRIAL SETTING.

2. The Trial Management Conference is reset from August 19, 2002 to **Monday, January 6, 2003 at 10:30 a.m. for 1-1/2 hours.**

The joint pretrial statement in accordance with Rule 16(d), A.R.C.P., is due by 5:00 p.m., two days prior to the Trial

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Management Conference. In addition to the information required by Rule 16(d), counsel are to identify in/with the joint pretrial statement all deposition or other transcribed testimony that may be offered at trial. The proposed testimony is to be identified by reference to page and line numbers. Objections, if any, to such testimony, and the reasons for such objections, are also to be set forth.

3. No less than thirty (30) days prior to the Trial Management Conference, counsel (or the parties) shall file: Motions in limine, which must meet the test of State v. Superior Court, 108 Ariz. 396, 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." Written responses to a motion in limine may be filed no later than ten (10) days before the Trial Management Conference.

4. No less than five (5) judicial days prior to the Trial Management Conference, counsel (or the parties) shall file:

A. Requested jury instructions, and any voir dire questions counsel request that the court ask.

The Judge would appreciate counsel providing a copy of the jury instruction requests on IBM-compatible double-sided, high density 3.5 inch diskettes, in Microsoft Word.

B. Any trial memoranda (optional), which will be in lieu of post-trial briefs unless otherwise requested by the Court at the conclusion of the trial.

C. Proposed findings of fact and conclusions of law (if a request for findings of fact and conclusions of law has been or will be filed).

5. All motions (except motions in limine) shall be filed no later than sixty (60) days prior to trial so they can be scheduled, briefed, argued and decided prior to trial.

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6. At least one week before trial, the trial lawyers shall make an appointment for themselves or their knowledgeable assistants to meet with the Clerk of this division before 3:00 p.m. two court days before trial, presenting all exhibits. The exhibits will be marked serially as they are listed in the pretrial statement - plaintiff's first, defendant's second. Please advise the Clerk, referring specifically to the pretrial statement, which exhibits may be marked directly in evidence.

7. Opinions of experts fairly sought and revealed in deposition or other discovery shall not be supplemented at trial.

8. The witness and exhibit lists shall contain no surprises; any information sought by other discovery devices and revealed for the first time on the witness or exhibit lists will be inadmissible at trial.

9. All documents and pleadings described above shall be delivered or telefaxed to opposing counsel on the date they are delivered to the Court.