

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-009644

05/09/2005

HONORABLE RUTH H. HILLIARD

CLERK OF THE COURT
L. Gilbert
Deputy

FILED: 05/11/2005

ADVANTAGE APPRAISAL SERVICE INC

WILLIAM A KOZUB

v.

DAVID CREED, et al.

ROBERT C BROWN

LORI WEBSTER
C/O SUNCREST MORTGAGE GROUP
17007 E JACKLIN
FOUNTAIN HILLS AZ 85268
MICHAEL T DEPAOLI
ALTERNATIVE DISPUTE
RESOLUTION - CCC

TRIAL SETTING MINUTE ENTRY

10:30 a.m. In chambers: This is the time set for Telephonic Pretrial Status/Scheduling Conference. All parties appear telephonically. Plaintiff is represented by counsel, William Kozub and Michael DePaoli. Defendant Creed is represented by counsel, Robert Brown. Defendant Lori Webster appears on her own behalf.

No court reporter is present.

Discussion is held regarding the status of the case and setting a trial date.

The Court adopts and incorporates all other deadlines set forth in the parties' Joint Comprehensive Management Memorandum submitted by counsel this date.

IT IS ORDERED as follows:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-009644

05/09/2005

1. **TRIAL DATE:** Jury Trial is set on **March 6, 2005 at 9:30 a.m.**, before Judge Ruth Hilliard, Courtroom 402, Central Court Building, 201 West Jefferson, Phoenix, AZ 85003. Counsel to be here at 9:15 a.m. Jury selection will begin as soon as the jury panel arrives.

2. **LENGTH OF TRIAL:** **4 Days.**

3. **JOINT PRETRIAL STATEMENT:** A Joint Pretrial Statement, jury instructions, voir dire for the panel as a whole and exhibits are to be delivered to this division **no later than February 10, 2006**. **NOTE:** Counsel may contact the division's clerk at (602) 506-3348 regarding exhibit procedures.

4. **TRIAL MANAGEMENT CONFERENCE:** Court and counsel will meet for a Trial Management Conference, hearing any objections to exhibits, argument on motions in limine and settlement of jury instructions on **February 17, 2006 at 9:30 a.m.** Blanket objections to exhibits and reserving objections until time of trial are not permitted. Any exhibit not exchanged before the Trial Management Conference is waived. Any objection, other than waiver by failure to exchange an exhibit, must be made before or at that conference or it is waived. The Court will rule on admission of exhibits (except illustrative exhibits made during trial) at the Trial Management Conference.

5. **SUBSTANTIVE MOTIONS:** The last day to file substantive motions is **November 7, 2005**.

6. **MOTIONS IN LIMINE:** The last day to file motions in limine is **February 3, 2006**. Responses are due by **February 10, 2006**. Late motions for summary judgment or for dismissal are not motions in limine. See, State v. Superior Court, 108 Ariz. 396, 499 P.2d 152 (1972). Motions in Limine will be ruled on at the Trial Management Conference.

7. **EXCHANGE AND DESIGNATION OF EXHIBITS:** Except illustrative exhibits made during trial, all exhibits are to be exchanged **thirty (30) days** before the Trial Management Conference. Counsel are directed to meet and confer regarding exhibits so that duplicates are avoided. **At least seven (7) business days before the Trial Management Conference, the parties shall number their exhibits serially with Plaintiff's first, Defendant's second and provide a coordinating list of the exhibits to the Court, and the court clerk; and provide deposition originals to the court clerk of this division for filing (depositions are not listed as exhibits).**

8. **JUROR NOTEBOOKS:** Jurors use and appreciate tabbed, indexed, juror notebooks. The contents must be in evidence by stipulation or, for exhibits, by court ruling. Key exhibits, diagrams, photographs, timelines, non-argumentative summaries of positions on liability and damages and other information helpful to jurors may be included.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-009644

05/09/2005

9. **DEPOSITIONS:** Jurors prefer narrative summaries, with brief excerpts of deposition question and answer testimony, to reading many pages of testimony.

10. **SETTLEMENT CONFERENCE:** Referring this matter to the Court's Alternative Dispute Resolution Office for the appointment of a Judge *Pro Tempore* to conduct a settlement conference. **Counsel and/or the parties are instructed that ADR will not set the settlement conference and therefore they should not contact the office of ADR.** Counsel and/or the parties will be notified by ADR by minute entry upon the appointment of a Judge *Pro Tempore* and at that time should contact the appointed Judge *Pro Tempore* to arrange the time and location for the settlement conference. The Judge *Pro Tempore* is requested to conduct a settlement conference **no later than August 26, 2005.**

10:36 a.m. Matter concludes.