

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2009-020618

08/05/2009

HON. ROBERT H. OBERBILLIG

CLERK OF THE COURT  
A. Marquis  
Deputy

GEORGE P LOMBARD, et al.

JOHN ROLLIE WIGHTMAN

v.

AMERIPRISE INSURANCE COMPANY, et al.

THOMAS C HALL

CHRISTOPHER M SKELLY  
COURT ADMIN-CIVIL-CCC

**UMPIRE APPOINTED**

Courtroom 202 - OCH

8:37 a.m. This is the time set for a telephonic oral argument re: Plaintiffs' Petition For Appointment of an Umpire. Plaintiffs are represented by counsel, John R. Wightman. Defendants are represented by counsel, Thomas C. Hall.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Pursuant to agreement, the parties request that the Court flip a coin to determine which umpire to appoint. Plaintiff's counsel calls heads, the coin is tossed, and lands on tails. Accordingly, pursuant to the request of defense counsel,

**IT IS ORDERED** appointing Christopher Skelly as the umpire in this matter.

Pursuant to agreement of counsel and good cause appearing,

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**IT IS ORDERED** staying this matter pending further order of the Court.

**IT IS FURTHER ORDERED** that counsel submit a written joint Status Report to the Court by **December 4, 2009** advising the Court of the status of the case and any recommendations regarding future proceedings. Should counsel find it necessary to continue this case beyond the appraisal process, they may submit a joint proposed Scheduling Order (**attached hereto**) in lieu of a Status Report for the Court's review and signature.

8:43 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

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**[PROPOSED] SCHEDULING ORDER**

The Court has reviewed the parties' Joint Pretrial Memorandum and adopts and/or modifies the days as follows:

**IT IS ORDERED** as follows:

1. The parties shall mutually and simultaneously disclose areas of expert testimony by **5:00 p.m. on \_\_\_\_\_, 2009. [or]**
  - a. Plaintiffs shall disclose areas of expert testimony by **5:00 p.m. on \_\_\_\_\_, 2009.**
  - b. Defendants shall disclose areas of expert testimony by **5:00 p.m. on \_\_\_\_\_, 2009.**
2. The parties shall mutually and simultaneously disclose the identity and opinions of their expert witnesses by **5:00 p.m. on \_\_\_\_\_, 2009. [or]**
  - a. Plaintiffs shall disclose the identity and opinions of their expert witnesses by **5:00 p.m. on \_\_\_\_\_, 2009.**
  - b. Defendants shall disclose the identity and opinions of their expert witnesses by **5:00 p.m. on \_\_\_\_\_, 2009.**
3. Any and all discovery requests shall be served by **5:00 p.m. on \_\_\_\_\_, 2009.**
4. The parties shall disclose all non-expert witnesses by **5:00 p.m. on \_\_\_\_\_, 2009. [or]**
  - a. Plaintiffs shall disclose areas of non-expert testimony by **5:00 p.m. on \_\_\_\_\_, 2009.**
  - b. Defendants shall disclose areas of non-expert testimony by **5:00 p.m. on \_\_\_\_\_, 2009.**
5. The parties shall mutually and simultaneously disclose their rebuttal expert witnesses and opinions by **5:00 p.m. on \_\_\_\_\_, 2009.**
6. All discovery shall be concluded by **5:00 p.m. on \_\_\_\_\_, 2009.**

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7. The parties shall have exchanged up-to-date final Rule 26.1 Supplemental Disclosure Statements by **5:00 p.m. on \_\_\_\_\_, 2009**. This Order does not replace the parties' obligation to seasonably disclose on an on-going basis under Rule 26.1 as information becomes available.

8. Settlement conference (choose one):

The parties shall participate in private mediation by **5:00 p.m. on \_\_\_\_\_, 2009;**

**OR**

The parties shall participate in a mandatory Settlement Conference and this matter is referred to the court's Alternative Dispute Resolution for the appointment of a judge *pro tempore* to conduct a settlement conference. Counsel and any "pro per" parties will 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 not later than \_\_\_\_\_, 2009. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office. If counsel 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 by **5:00 p.m. on \_\_\_\_\_, 2009**.

9. No expert witnesses, expert opinions, lay witnesses, or exhibits shall be used at trial other than those disclosed in a timely manner, except for good cause shown or written agreement of the parties.
10. All pretrial motions, other than motions *in limine*, must be filed by **5:00 p.m. on \_\_\_\_\_, 2009**.
11. A **Telephonic Pretrial Status/Scheduling Conference** is set for **\*\*\*\*\*, 2009 at \*\*\*\*a.m./p.m.** for the purpose of assigning a trial date if the case has not settled. Counsel shall have their trial calendars available. Counsel for Plaintiff shall initiate the telephonic conference by first arranging the presence of all other counsel on the conference call and by calling this division at: **(602) 506-2194 promptly** at the scheduled time.

**NOTE: This Court utilizes FTR for an electronic record of the proceedings. However, any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.**

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12. Should any discovery disputes arise, counsel, prior to filing discovery motions, shall meet and confer pursuant to Rule 37, Ariz.R.Civ.P.
13. The dates set forth in this Order are FIRM dates and will not be extended or modified by this Court absent good cause. Lack of preparation will not ordinarily be considered good cause.
14. This case is removed from the Inactive Calendar and all requirements of Rule 38.1, Ariz.R.Civ.P., are waived unless and until otherwise ordered by the Court.