

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-008593

03/26/2004

HONORABLE RUTH H. HILLIARD

CLERK OF THE COURT
C.I. Miller
Deputy

FILED: 04/01/2004

STEVEN BUTESKI

JAMES L TANNER

v.

CARMELLA J CARLISE

STANLEY Z GOODFARB

ALTERNATIVE DISPUTE
RESOLUTION - CCC

TRIAL SETTING MINUTE ENTRY

1:42 p.m. This is the time set for Telephonic Pretrial Status/Scheduling Conference. Present on conference telephone: Patricia Mancabelli and Stanley Goodfarb.

No court reporter is present.

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

Counsel are to meet and confer in reference to working out a written stipulation regarding the remaining expert and discovery deadlines in this matter and present same to the court for consideration and approval.

IT IS ORDERED that Plaintiff's appraisal report be filed within fourteen (14) days and Defendant's appraisal report be exchanged **by May 24, 2004**.

IT IS FURTHER ORDERED as follows:

1. **TRIAL DATE**: Jury Trial is set on **October 5, 2004, at 9:30 a.m.**, before Judge Ruth Hilliard, Courtroom 402, Central Court Building, 201 West Jefferson, Phoenix, AZ 85003. Court and counsel will meet at 9:15 a.m. Jury selection will begin as soon as the jury panel arrives. Additional orders are as follows:

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2. **LENGTH OF TRIAL:** Four (4) Days.

3. 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 September 17, 2004**. **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 **September 24, 2004, at 11:30 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 **July 2, 2004**.

6. **MOTIONS IN LIMINE:** The last day to file motions in limine is **September 10, 2004**. Response time to motions in limine is **September 17, 2004**. 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.

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ATTORNEYS AND ASSISTANTS—PLEASE READ PARAGRAPH 6

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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 day before the Trial Management Conference: (1) deposition originals are to be filed, not listed as exhibits and (2) 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.** Written stipulations to admit exhibits in evidence are encouraged.

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.

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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 June 30, 2004.**

1:50 p.m. Matter concludes.