

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-032346

07/26/2010

HONORABLE DEAN M. FINK

CLERK OF THE COURT
D. Harding
Deputy

M & I MARSHALL AND ILSLEY BANK

LARRY O FOLKS

v.

TOGETHER FOREVER L L C, et al.

ANTONIO DOMINGUEZ

TRIAL SETTING

Courtroom OCH-202

11:00 a.m. This is the time set for Trial Setting Conference regarding Fair Market Value. Plaintiff is represented (telephonically) by counsel, Jeffrey D. Wolfe for Larry O. Folks. Defendants are represented (telephonically) by counsel, Antonio Dominguez.

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

Discussion is held regarding trial date. Based thereon, the Court enters the following orders:

1. This matter is set for a **Bench Trial on October 15, 2010 at 10:00 a.m. (time allotted: 2 hours)** in this division.

The proceedings will take place in the Superior Court's "e-courtroom." A record of the proceedings may be made by videotape and CD in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the court will make a VHS videotape or "burn" a CD of the

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day's proceedings for a fee of \$20.00. If a CD or videotape is requested, please obtain a form from the courtroom clerk or from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee **at the Self Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the courtroom clerk or bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.** The CD-R disk may be viewed using Microsoft's Media Player or JAVS' CaseViewer. "CaseViewer" is available for free from Jefferson Audio Visual Systems at:

<http://www.javs.com/downloads/programs.htm>

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 digital video recording system before requesting a court reporter. To request a transcript, call 602-506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

If a court reporter is required, the Court must receive a written request at least 3 court days before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

The abbreviated joint pretrial statement in accordance with Rule 16(d), A.R.C.P., is **due by 5:00 p.m. on October 8, 2010**. 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.

IT IS FURTHER ORDERED Defendant shall produce any expert appraisal to Plaintiff no later than **September 3, 2010**.

11:12 a.m. Matter concludes.

Pursuant to the foregoing trial setting, the Court enters the following additional orders:

1. Motions in limine shall be filed only in accordance with Rule 7.2, Rules of Civil Procedure (effective December 1, 2004). Prior to filing any motion in limine, the parties must meet and confer. No "prophylactic" motions in limine may be filed.

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Unless prior written leave of court is obtained for good cause shown, no party may file more than three (3) motions in limine, including all subparts.

2. Prior to submitting the exhibits for trial to the division, **counsel and/or parties shall meet and confer** to determine that there are no duplicate exhibits from either party. Duplicate exhibits will not be marked. The trial lawyers shall submit all exhibits to the clerk of the division for marking **no later than 5:00 p.m. on October 8, 2010**. At least **two weeks prior to trial**, counsel or their knowledgeable assistants shall contact the clerk of this division at 602-506-8847 to set up a time to submit the exhibits. The exhibits will be marked numerically and serially - Plaintiff's first, Defendant's second. Please advise the clerk which exhibits may be marked directly in evidence.

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