

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2004-001456

02/18/2005

HONORABLE KENNETH L. FIELDS

CLERK OF THE COURT  
D. Whitford  
Deputy

FILED: 02/21/2005

SWIFT TRANSPORTATION CO INC

DONALD P ROELKE

v.

MARICOPA COUNTY

RICHARD W GARNETT

ALTERNATIVE DISPUTE  
RESOLUTION - CCC

**PRETRIAL CONFERENCE/TRIAL SET  
REFERRED FOR SETTLEMENT CONFERENCE**

10:45 a.m. (IN CHAMBERS) This is the time set for telephonic Rule 16 Pretrial Scheduling Conference. Plaintiff is represented by counsel Donald P. Roelke. Defendant is represented by counsel Richard W. Garnett.

The proceedings are recorded electronically by CD and videotape in lieu of a court reporter.

Discussion ensues re: mediation/settlement conference.

**IT IS ORDERED** referring his 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 by **June 2005**.

Pretrial matters are discussed.

**IT IS ORDERED** as follows:

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**I. Setting Trial to the Court for November 30, 2005, at 9:00 a.m.,**

**Before:**

The Honorable Kenneth Fields  
Maricopa County Superior Court  
East Court Building  
Courtroom 414  
Phoenix, AZ 85003  
PHONE: 602-506-2060

Time allotted for trial: 2 days

**II. Closure of Discovery and Motions**

**A. Rule 26.1**

1. The parties shall simultaneously disclose all expert witnesses and all of the information required by Rule 26.1 (a)(6), Arizona Rules of Civil Procedure, by 5:00 p.m., on **May 16, 2005**.
2. The parties shall exchange simultaneous supplemental or updated non-expert disclosure statements by 5:00 p.m., on **July 5, 2005**. No information disclosed after that date may be used at trial, absent Court Order on Motion and Affidavit.
3. The parties shall exchange the appraisal reports of their expert witnesses by **July 18, 2005**.

**B. Pretrial Motions**

**Motions in Limine** meeting the test of State v. Superior Court, 108 Ariz. 396, 499 P.2d 1521 (1972) and Rule 7.2, Ariz. Rules of Civil Procedure, if any, shall be filed **at least 30 calendar days before the final pretrial management conference. If there is no final pretrial management conference, the motions shall be filed at least 30 days before the trial date. Counsel are required to meet and confer before filing any motion in limine.**

All pretrial motions, other than Motions in Limine and Motions for Summary Judgment, as discussed below, shall be filed no later than **September 1, 2005**.

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**C. Discovery Cutoff**

All discovery shall be completed by **September 30, 2005**.

**D. Dispositive Motions**

All dispositive motions must be filed no later than **August 15, 2005**.

**Exhibits**

Counsel shall deliver to the Division the parties' exhibits along with a description of each exhibit [a hard copy plus (IF POSSIBLE) on an IBM-Compatible, 3.5 diskette in Microsoft Word 95 or 97] no later than **5 days prior to trial**. Counsel may e-mail the list of exhibits with their descriptions the clerk (then no need for diskette). Identify each exhibit with its number; for example, attach a Post-it Note to each exhibit or separate each exhibit with a colored sheet of paper with the exhibit number written on it. If counsel have more than 100 exhibits each, submit exhibits in a three-ring binder with numbered-tabbed sheets separating each. A second copy of the exhibits is appreciated for use by Judge Fields.

(1) Counsel shall call (602-506-8806) before the above date to inform the clerk, of the number of exhibits and the date counsel intend to deliver the exhibits, along with their list with a description of each exhibit on it prior to trial. When counsel calls, the clerk shall provide counsel with a block of numbers for numbering that party's exhibits. If counsel intend to submit more than 25 exhibits each, counsel shall make arrangements with the clerk to provide assistance with attaching the exhibit tags to the exhibits at the time the exhibits are delivered to the division prior to trial or counsel may send a runner to the Division to pick up the tags in order for counsel to attach the tags to the exhibits at counsel's office (inform the clerk of this election prior to pickup).

(2) Keep the descriptions of the exhibits **simple (name of document; date)**. Don't use a description that can't be verified by looking at the document. For example, if you have a doctor's report, but it doesn't say "doctor's report" on the document, use another description or add a title page that says "doctor's report".

(3) Number the exhibits serially -- 1, 2, 3 etc., (**not** 1(a), 1(b)). **Don't skip numbers**.

(4) Counsel shall do their best to eliminate duplication of exhibits.

(5) **Do not list depositions** on the Exhibit Description Form; they are filed in separately by the clerk.

(6) List **only** the exhibits delivered to the clerk prior to trial. Do **not** list exhibits to be delivered at a later date, introduced at trial, or opposing party's exhibits.

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**EXAMPLE FOR PLAINTIFF**

**Caption: John Doe v. Jane Doe Cause No.: CV1999-000210**

Plaintiff's Exhibits (*All exhibits are copies unless noted*)

1. Letter to John Doe from Jim Smith, 1/1/98
2. Medical records of John Henry Hospital, 1994-98
3. Deed to 1101 N. Central Avenue, Phoenix, AZ, 1/1/98

**EXAMPLE FOR DEFENDANT**

**Caption: John Doe v. Jane Doe Cause No.: CV 1999-000210**

Defendant's Exhibits (*All exhibits are copies unless noted*)

4. Letter to Henry Johnson from Carol Smith, 1/1/99
5. Medical records from Dr. J. Brown, 1994-98
6. Deed to 7201 N. Washington St, Phoenix, AZ, 1/1/98

(7) Bring the completed Exhibit Description List and numbered exhibits to Judge Fields' Division (ECB, 414) along with the description of all exhibits on disk. You can also Email your exhibit list to: [dwhitfor@COSC.maricopa.gov](mailto:dwhitfor@COSC.maricopa.gov).

(8) If there are any questions **concerning exhibits**, please call. All other questions are to be directed to the Division's Judicial Assistant.

(9) Keep the descriptions simple. Include title and type of document and date of document.

(10) **Don't include the bate #s** (should you use bate #s) in your descriptions of the exhibits.

(11) **Please provide descriptions of exhibits on a floppy disk when you bring the exhibits to the clerk at least 5 days prior to trial/hearing.**

Thank you for your cooperation.  
(602-506-8806)  
Clerk of Judge Fields' Division

10:45 a.m. Conference concludes.

**ELECTRONIC ("E") COURTROOM**

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A record of the proceedings may be made by videotape in lieu of a court reporter. 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 video-recording system before requesting a court reporter.

**If a court reporter is required, a written request must be received by the Court at least 48 hours before the hearing.**

**NOTICE**

**New Fee for Copies of Electronically Recorded Proceedings**

Effective Monday, January 27, 2003, a fee of \$20.00 will be charged for each copy of superior court proceedings digitally recorded and provided on compact Disc (CD) and for each copy of a superior court proceeding provided on videotape. The fee is due when the CD or videotape is picked up. Cash and in-state checks will be accepted for payment. Please make checks payable to: Clerk of the Superior Court.

Blank, unused CDs and videotapes will not be accepted in lieu of payment.

Beginning Monday, January 27, 2003, the pick up location for CD or videotape copies of superior court proceedings recorded in downtown Phoenix will be the court's Self Service Center located in the Law Library on the first floor of the East Court Building. Fees will be collected at the Self Service Center. Copies of superior court proceedings recorded at the court's Southeast Facility in Mesa and at the court's Northwest Facility in Surprise may be picked up, and fees paid, at the Self Service Centers at those locations.

Questions may be directed to Ken Crenshaw, Administrator, Electronic Records Services, 602-506-7100 or [kcrensha@superiorcourt.maricopa.gov](mailto:kcrensha@superiorcourt.maricopa.gov)

**Request for Daily Copy of Electronically Recorded Proceedings**

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 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.