

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-019380

09/01/2004

HON. PAUL A KATZ

CLERK OF THE COURT
B. Navarro
Deputy

FILED: 09/09/2004

SCOTTSDALE CITY

ROBERT BRUCE WASHBURN

v.

D DAVID PERFECT, et al.

DALE S ZEITLIN

WILLIAM D RISKE

JURY TRIAL SET

IN COURTROOM:

8:41 a.m. This is the time set for a Pretrial Scheduling Conference. Plaintiff is represented by counsel, Robert Bruce Washburn, who appears in person. Defendant D. David Perfect is represented by counsel, Dale S. Zeitlin, who appears telephonically. Defendant Maricopa County is represented by counsel, William D. Riske, who appears in person.

Court Reporter, Bethany Campbell, is present.

Discussion is held.

IT IS ORDERED:

1. This matter is set for trial to a jury on **June 28, 2005 at 8:30 a.m.**

Estimated length of trial is: **3-4 days**

THIS IS A FIRM TRIAL SETTING. If counsel have any pre-existing conflicts with said trial date, they shall notify the Court, in writing, within five (5) days from today's date.

2. The Court adopts the stipulated to deadlines of the parties as set forth in the Joint Pretrial Memorandum, unless otherwise stated below.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-019380

09/01/2004

3. Defendant Perfect shall disclose his appraisal no later than **January 14, 2005** (instead of February 4, 2005 as stated in the Joint Pretrial Memorandum).

4. All written discovery shall be completed no later than **April 28, 2005**.

5. All deposition discovery shall be completed no later than **May 30, 2005**.

6. The joint pretrial statement in accordance with Rule 16(d), Arizona Rules of Civil Procedure, is due by **5:00 p.m. on May 31, 2005**. 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. **Exhibits for trial shall be consecutively numbered and presented to the Clerk for marking in accord with the joint pretrial statement.**

7. No less than five (5) judicial days prior to trial, counsel (or the parties) shall file:

A. Requested jury instructions, and any voir dire questions counsel request that the court ask.

The Judge would appreciate counsel providing a copy of the jury instruction requests on IBM-compatible double-sided, high density 3.5 inch diskettes, in Microsoft Word.

B. Any trial memoranda (optional), which will be in lieu of post-trial briefs unless otherwise requested by the Court at the conclusion of the trial.

C. Motions in limine, which must meet the test of *State v. Superior Court*, 108 Ariz. 396, 499 P.2d 152 (1972): "The primary purpose of a motion in limine is to avoid disclosing to the jury prejudicial matters which may compel a mistrial."

D. Proposed findings of fact and conclusions of law (if a request for findings of fact and conclusions of law has been or will be filed).

8. Written response to a motion in limine may be filed no later than noon of the day before trial.

9. All motions (except motions in limine) shall be filed no later than sixty (60) days prior to trial so they can be scheduled, briefed, argued and decided prior to trial.

10. **At least one week before trial**, the trial lawyers shall make an appointment for themselves or their knowledgeable assistants to meet with the Clerk of this division (602-506-3443) to present all exhibits and a list of exhibit descriptions. All trial exhibits shall have been exchanged prior to that time. **No duplicate exhibits shall be presented for marking. If either**
Docket Code 089

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-019380

09/01/2004

party fails to comply with the steps for marking exhibits, that party's exhibits may be precluded from being marked at trial.

11. Opinions of experts fairly sought and revealed in deposition or other discovery shall not be supplemented at trial.

12. The witness and exhibit lists shall contain no surprises; any information sought by other discovery devices and revealed for the first time on the witness or exhibit lists will be inadmissible at trial.

13. All documents and pleadings described above shall be hand-delivered, telefaxed or e-mailed to opposing counsel on the date they are delivered to the Court.

8:53 a.m. Matter concludes.