

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2001-010417

02/05/2003

HON. PAUL A KATZ

CLERK OF THE COURT  
B. Navarro  
Deputy

FILED: 02/17/2003

STATE OF ARIZONA DEPARTMENT OF  
TRANSPORT, et al.

WILLIAM S JAMESON

v.

GATEWAY PARK LLC, et al.

DALE S ZEITLIN

ALTERNATIVE DISPUTE  
RESOLUTION - CCC

**JURY TRIAL SET**

**IN CHAMBERS:**

8:30 a.m. This is the time set for a Pretrial Scheduling Conference. Plaintiff is represented by counsel, Jeffrey T. Murray for William S. Jameson. Defendant Gateway Park LLC. is represented by counsel, Dale S. Zeitlin. Both counsel appear telephonically.

Court Reporter, Bethany Campbell, is present.

Discussion is held.

**IT IS ORDERED:**

1. This matter is set for trial to a jury on **December 9, 2003 at 8:30 a.m.**

Estimated length of trial is: **5-6 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.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2001-010417

02/05/2003

2. The parties shall designate the identity and categories of their anticipated and expected expert witnesses no later than **March 20, 2003**.

3. The Defendant shall submit its appraisal to Plaintiff no later than **April 30, 2003**.

4. The Plaintiff shall supplement or update its appraisal report no later than **June 20, 2003**.

5. After the date upon which all of the parties have designated the identity and categories of their expert witnesses, the parties shall have **an additional thirty (30) days to cross designate any rebuttal expert witnesses**.

6. The joint pretrial statement in accordance with Rule 16(d), Arizona Rules of Civil Procedure, is due by **5:00 p.m. on November 11, 2003**. 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.

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.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2001-010417

02/05/2003

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 (602-506-3553) **before 12:00 p.m.** the court day before trial, presenting all exhibits.

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 delivered or telefaxed to opposing counsel on the date they are delivered to the Court.

**IT IS FURTHER ORDERED** 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 on or after August 1, 2003 or before the trial date of December 9, 2003.

8:46 a.m. Matter concludes.