

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-013906

05/28/2008

HONORABLE JANET E. BARTON

CLERK OF THE COURT
A. Marquis
Deputy

ARIZONA STATE, et al.

JOHN M SCHLOSSER

v.

FREEWAY MINI-STORAGE CO, et al.

STEVEN B PALMER
ANTHONY H MISSELDINE

SCHEDULING ORDERS ENTERED
and Status Conference Set

The Court has received and reviewed the parties' Joint Motion to Continue Case on the Inactive Calendar and to Approve Rule 16(b) Scheduling Order.

IT IS ORDERED adopting and/or modifying the parties' scheduling order, all in accordance with the Rule 16(b) Scheduling Order signed by the Court on May 28, 2008, as follows:

1. The Plaintiff has submitted its Initial Rule 26.1 Disclosure Statement. Defendant Freeway Mini-Storage shall provide Plaintiff with its Initial Rule 26.1 Disclosure Statement, including a copy of its appraisal report, **on or before August 15, 2008.**
2. The parties shall disclose the identities, opinions, and substance of the testimony of all expert witnesses **on or before November 30, 2008.**
3. The parties shall mutually and simultaneously disclose the identity, opinions, and substance of the testimony of all property owners and their representatives and all known non-expert witnesses on **November 30, 2008.** If additional fact or

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foundational witnesses are ascertained prior to the close of discovery, the nature and substance of their testimony shall be promptly disclosed and ample time shall be provided for additional discovery, including the production of documents and depositional testimony.

4. The parties shall mutually and simultaneously disclose the identity, opinions, and substance of the testimony of all rebuttal witnesses on **January 31, 2009**, and all sur-rebuttal witnesses **March 31, 2009**.
5. The parties shall participate in a non-binding settlement conference between **August 15, 2008 and May 15, 2009**. The parties, in their discretion, shall mutually select a private mediator.
6. All discovery shall be concluded and all depositions completed by no later than **May 31, 2009**.
7. No expert witnesses, expert opinions, lay witnesses, or exhibits shall be used at trial other than those disclosed in a timely manner, except for good cause shown or written agreement of the parties.
8. All pretrial Motions, other than Motions in Limine, must be filed by **5:00 p.m. on May 31, 2009**.
9. Should any discovery disputes arise, counsel, prior to filing discovery motions, shall meet and confer pursuant to Rule 37, Ariz.R.Civ.P., then telephonically contact the Court to set up a telephonic conference to discuss any remaining issues.
10. The dates set forth in this Order are FIRM dates and will not be extended or modified by this Court absent good cause. Lack of preparation will not ordinarily be considered good cause.
11. This case is removed from the Inactive Calendar and all requirements of Rule 38.1, Ariz.R.Civ.P., are waived unless and until otherwise ordered by the Court.
12. A **Status Conference** is set for **June 10, 2009 at 10:00 a.m.** for the purpose of assigning a trial date if the case has not settled. The parties (if representing themselves) or counsel must appear in person and cannot appear telephonically for the Status Conference.

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NOTE: Effective June 19, 2008:

Judge Robert Oberbillig will be handling Judge Janet E. Barton's Civil Calendar and Judge Peter Swann will be handling Judge Janet E. Barton's Complex Civil Calendar.

Judge Peter Swann
Central Court Building
201 West Jefferson, 7th FL Ste 7A
Phoenix, AZ 85003
Telephone number: (602) 506-7959

Judge Robert Oberbillig
Old Court House
125 West Washington Street, 2nd FL Ste 202
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