

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2009-016329

12/20/2010

HON. EDWARD O. BURKE

CLERK OF THE COURT  
L. Timpauer  
Deputy

CARLOS LOPEZ, et al.

ANTONIO DOMINGUEZ

v.

SCOTTSDALE INDEMNITY COMPANY

MICHAEL E HENSLEY

MINUTE ENTRY

8:48 a.m. In Chambers: This is the time set for Status Conference. Plaintiffs, Carlos Lopez and Ramona Lopez are telephonically represented by counsel, Antonio Dominguez. Defendant, Scottsdale Indemnity Company is telephonically represented by counsel, Michael E. Hensley.

No court reporter is present.

The court having received and reviewed plaintiffs' Motion to Set and Certificate of Readiness and Defendant Scottsdale Indemnity Company's Controverting Certificate to Plaintiffs' Motion to Set and Certificate of Readiness; Motion to Dismiss without Prejudice; and Motion to Continue Case on the Inactive Calendar, discussion is held regarding case status and future scheduling.

Counsel inform the court of the appraisal hearing scheduled to take place on January 6, 2011, and that a ruling is anticipated within approximately 60 days thereafter. The court believes the best way to accommodate the parties is to place the case on the Inactive Calendar to allow the parties time to complete the appraisal process. Accordingly,

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IT IS ORDERED placing this matter on the **Inactive Calendar** for dismissal on **February 25, 2011**, without further notice, unless prior to said date a judgment is entered or filed, a stipulation of dismissal is presented, or a motion to set and certificate of readiness is filed.

IT IS FURTHER ORDERED setting this matter for a Comprehensive Pretrial Conference, pursuant to Rule 16(b) on **February 25, 2011, at 9:00 a.m. (15 min.)** before:

**HON. EDWARD O. BURKE**  
**Judge of Superior Court of Arizona**  
**125 W. Washington - OCH**  
**Courtroom 103 – 1st Floor**  
**Phoenix, Arizona 85003**  
**(602) 506-6538**

The parties may appear telephonically. Counsel will need to confer as the court cannot accept multiple calls. If all parties wish to appear telephonically, Plaintiff's counsel shall initiate the conference call. The court's phone number is (602) 506-6538. Transmissions over cellular telephones and speaker phones are not clearly received by the court's phone system and, therefore, are not allowed.

The court will set a firm trial date at this conference. Counsel are advised to have their trial calendars with them.

IT IS FURTHER ORDERED that the parties shall submit a Joint Pretrial Memorandum as set forth below.

IT IS FURTHER ORDERED:

All counsel are directed to meet personally to discuss all of the matters set forth in Rule 16(b). Counsel shall prepare and file with the court by **5:00 p.m. on February 18, 2011**, a **Joint Pretrial Memorandum**. The memorandum shall address all the matters listed in Rule 16(b) and additional items set forth below.

1. The nature of the case; the issues, and each party's position with respect to the issues.
2. **An agreed upon schedule and date for completion of non-expert depositions.** As far as can reasonably be anticipated, each party shall set forth the depositions they anticipate taking and the approximate time required for each; any and all

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medical examinations which may be required of any of the parties; the person or persons to conduct such examinations; all requests for production; and all tangible evidence to be disclosed or exchanged.

3. **A date for the final disclosure of the identities, subject matters, and reports of expert witnesses,** and/or to supplement disclosures made to date.
4. **A date or dates for the initial and final disclosure of all non-expert witnesses,** and/or to supplement disclosures made to date.
5. **A date by which all written discovery will be propounded and concluded.** Further, counsel shall set forth any written discovery outstanding and a date when it will be complete.
6. The position of each counsel on whether the Rule 38.1 time limits should be waived.
7. The court will order the parties to participate either in a settlement conference with a judge pro tem or a mediation with a private mediator. An agreement of all parties is required for private mediation. The parties are to advise if such an agreement is reached. The parties are also to advise a **proposed date for the completion of the settlement conference or mediation.**
8. Set forth any discovery disputes to date or Rule 26.1 compliance issues.
9. **A date for completion of all discovery,** including expert discovery.
10. **A date by which all dispositive or partially-dispositive motions shall be filed.**
11. **A proposed trial date** agreed upon by all counsel and anticipated length of trial.

If counsel are unable to agree on any of the items of the Pretrial Memorandum, the reasons for their inability to agree shall be set forth in the Pretrial Memorandum. **All proposed deadlines shall be set forth as calendar dates, and not in the form "XX days before trial."**

IT IS FURTHER ORDERED that counsel shall notify the court of any agreed-upon extension of any time period provided by the Rules of Civil Procedure. The purpose of this order is not to discourage extensions as a matter of professionalism, but to ensure that no party suffers summary disposition of any issue because the court is unaware that an extension had been granted.

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Counsel are reminded that the court may impose sanctions, pursuant to Rule 16(f), against counsel and/or their clients for failure to participate in good faith in the preparation or timely filing of the memorandum.

8:54 a.m. Matter concludes.