

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-000716

10/19/2010

HONORABLE JEANNE GARCIA

CLERK OF THE COURT
A. Melchert/M. Hovorka
Deputy

MARVIN H SCHAFER, et al.

DOUGLAS F DIEKER

v.

STANDARD FIRE INSURANCE COMPANY,
THE

COLE SCHLABACH

MINUTE ENTRY

The court has received and reviewed the parties' Joint Report RE: Appraisal. Based on the Rule 16(b) request for a scheduling conference,

Counsel are to submit a Joint Pretrial Memorandum and proposed Scheduling Order as described herein which the court will review. The court may adopt or modify the proposed schedule and will set a scheduling conference for the purpose of setting a trial date. The court will generally not set a trial date until after the parties have participated in a meaningful mandatory settlement conference where the decision maker for each party is present.

IT IS ORDERED that counsel for the Plaintiff(s) and Defendant(s) shall meet personally to discuss those subjects listed under A.R.C.P., Rule 16(b); and then prepare and file a Joint Pretrial Memorandum and Proposed Scheduling Order no later than **November 18, 2010**, addressing all applicable subjects listed under Rule 16(b). In addition, the Memorandum shall begin with a brief description of the nature of the case and the contested issues, as well as the estimated length of the trial.

If the parties are unable to agree on any of the items in the Joint Pretrial Memorandum, the reasons for their inability to agree shall be set forth in the Memorandum and the dates shall be

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-000716

10/19/2010

left blank in the proposed Scheduling Order. The parties are reminded that the court may impose sanctions against counsel and/or their clients for failure to participate in good faith in the Joint Pretrial Memorandum. If counsel believe that a Pretrial Conference is still necessary at this stage of the litigation, they should address the reasons for the need for a Pretrial Conference in the first paragraph of the Joint Pretrial Memorandum.

If the parties agree as to the scheduling dates, they need only prepare and submit the proposed Scheduling Order in the format below. **All proposed deadlines shall be set forth as calendar dates, and not in the form of “XX days before trial.”**

NOTE: Counsel shall upload and e-File all proposed orders in Word format ONLY to allow for possible modifications by the court or provide scheduling orders and envelopes.

[PROPOSED] SCHEDULING ORDER

The court having received the parties' Joint Comprehensive Scheduling Conference Memorandum,

IT IS ORDERED entering the following schedule for disclosure, unless the parties obtain written modifications by the court:

1. Experts:

- (A.) The identities and subject areas of expert testimony shall be disclosed by:
- (B.) Plaintiff's final expert opinions shall be disclosed by:
- (C.) Defendant's final expert opinions shall be disclosed by:
- (D.) Rebuttal expert disclosures shall be disclosed by:

2 Final Non-Expert disclosures shall be exchanged by:

3. Discovery:

- (A.) Written discovery shall be propounded by:
- (B.) Depositions shall be completed by:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-000716

10/19/2010

(C.) All Discovery shall be completed by:

4. **Dispositive Motions** shall be filed by:

5. **Motions to Amend Pleadings** shall be filed by:

6. **Mandatory Settlement Conference:** The parties remaining in this action shall participate in (counsel to designate either a settlement conference before a Judge Pro Tempore appointed by the court, a private mediator with costs shared, or some other type of alternate dispute resolution) by:

7. **Telephonic Status Conference: IT IS ORDERED** setting a Telephonic Status Conference for (counsel to leave this date blank) (time allotted: 15 minutes) in this Division to discuss setting a trial date. Counsel for Plaintiff shall initiate the conference call to this Division at 602-372-0610. **The parties and counsel shall not be permitted to participate in conferences via cell phones or speakerphone.**

* * *

MOTION PRACTICE:

IT IS ORDERED that all motions, responses, replies and other court requested filings in this case must be submitted **INDIVIDUALLY**. Counsel shall not combine any motion with a responsive pleading. All motions are to be filed separately and designated as such. *No pleadings will be accepted if filed in combination with another.*

DISCOVERY PROTOCOL:

With respect to discovery disputes, counsel are also advised that, as the court interprets Civil Rule 37(a)(2)(c), an exchange of correspondence between counsel is not sufficient to satisfy the “personal consultation” requirement of the rule, except in extraordinary circumstances. At a minimum, counsel must speak to each other by telephone to attempt to resolve the dispute in good faith before involving the court.

The parties shall jointly call the Division’s Judicial Assistant at 602-372-0610 to request a short telephonic conference to discuss any discovery disputes or any other matter that may impact the parties’ ability to resolve this case in a just, speedy, and inexpensive manner prior to filing any motions.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-000716

10/19/2010

NOTE: All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by calling the Division five (5) judicial days before the scheduled hearing.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>