

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-000736

05/17/2018

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT
G. Verbil
Deputy

CITY OF PEORIA ARIZONA

MELINDA A BIRD

v.

D L K, L L C, et al.

ANTHONY H MISSELDINE

DAVINA DANA BRESSLER

MINUTE ENTRY

Courtroom 411 – East Court Building

2:35 p.m. This is the time set for a Rule 16 Comprehensive Pre-Trial Conference. Plaintiff is represented by counsel, Melinda A. Bird. Defendants DLK, LLC and Roxy Too, LLC are represented by counsel, Anthony H. Misseldine.

A record of the proceedings is made digitally in lieu of a court reporter.

LET THE RECORD REFLECT that Defendant Maricopa County has waived its appearance.

The Court has reviewed the Parties' Rule 16(b) Joint Report, filed 5/14/18.

Discussion is held regarding the delay of the Defendants' expert's appraisal.

The Court has reviewed the Proposed Second Amended Scheduling Order.

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Discussion is held and the Court and counsel agree on the following to be inserted in the Proposed Second Amended Scheduling Report and submitted to the Court for approval. The parties agree to proceed with mediation.

1. **Disclosures:** The First Scheduling Order stipulated to simultaneous expert witness reports and simultaneous rebuttal expert opinions.
2. **Expert Witness Reports:** The parties have disclosed initial expert reports. The parties will simultaneously exchange their rebuttal expert reports by **June 11, 2018**. Additional supplemental expert rebuttal report from Range West shall be provided by **June 30, 2018**. The parties are not waiving any rights to challenge the admissibility of other parties' expert opinions and reports.
3. **Lay Witness Disclosure:** The parties have already disclosed non-expert witnesses.
4. **Discovery Deadlines:** The parties agree that written discovery shall be completed by **August 27, 2018**; the parties shall complete the depositions of parties and lay witnesses by **September 19, 2018**; the parties shall complete the depositions of Expert Witnesses by **October 18, 2018**; the parties shall complete all other discovery by **October 18, 2018**.
5. **Final Supplemental Disclosure:** The parties shall provide final supplemental disclosure by **October 18, 2018**.
6. **Dispositive Motions:** The parties shall file all dispositive motions by **December 13, 2018**.
7. **Private Mediation:** The parties shall participate in mediation by **September 17, 2018**, using a private mediator agreed to by the parties.

Plaintiff's Counsel shall amend the proposed scheduling order as stated on the record and lodge the final Second Amended Scheduling Order with the Court by Friday, May 25, 2018.

The Court orders that anything the parties file also be emailed simultaneously to the Court at jonesj041@superiorcourt.maricopa.gov.

IT IS ORDERED setting a **telephonic** trial setting conference on **January 22, 2019 at 9:30 a.m.** (time allotted: **15 minutes**) in this Division for the purpose of setting trial, if the case is ready to set trial. Plaintiff's counsel shall initiate the conference call to this division at **602-506-0387**. All persons appearing shall appear on land lines and not on cellular phones, and shall

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not use the speakerphone features of their telephones, in order to maximize all participants' ability to hear and be heard. Counsel shall have their calendars available for this proceeding.

IT IS FURTHER ORDERED that, no less than **five days** before the conference set above, the parties shall file a joint status report containing (1) a very brief description of the case; (2) a statement of the status of discovery and other pertinent matters; (3) a list of pending motions or other matters, whether at issue or not; (4) the status of alternative dispute resolution; (5) when the parties anticipate the case will be ready for trial; and (6) how many trial days the parties estimate will be needed.

IT IS FURTHER ORDERED that any party who intends to ask the Court to vacate or reset any scheduled hearing shall notify this Division of said request as soon as possible, and absent extraordinary circumstances, in any event no later than two (2) full Court days before the scheduled proceeding. Reasons for such a request may include, but are not limited to, the movant intends to withdraw the motion which is set for hearing, the parties have resolved the issue, the motion has become moot, or scheduling conflicts have arisen.

NOTE: This Division requires that all Motions, Responses, Replies and other Court requested filings in this case must be submitted individually and **all orders MUST be submitted in Word document format**. 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.

2:58 p.m. Matter concludes.