

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2003-000269

12/10/2003

HON. PAUL A KATZ

CLERK OF THE COURT
B. Navarro
Deputy

FILED: 12/17/2003

MARICOPA COUNTY

RICHARD W GARNETT

v.

LINSENMEYER INVESTMENT
CORPORATION

JAMES F POLESE

JURY TRIAL SET

IN CHAMBERS:

9:00 a.m. This is the time set for a Telephonic Status Conference. Plaintiff is represented by counsel, Richard W. Garnett. Defendant is represented by counsel, James F. Polese. 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 **April 27, 2004 at 8:30 a.m.**

Estimated length of trial is: **3 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.

2. The parties' appraisal reports or the opinions of their appraisers shall be exchanged no later than **February 13, 2004.**

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3. All discovery shall be completed no later than **March 26, 2004**.

4. The joint pretrial statement in accordance with Rule 16(d), Arizona Rules of Civil Procedure, is due by **5:00 p.m. on March 30, 2004**. 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.

5. 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).

6. Written response to a motion in limine may be filed no later than noon of the day before trial.

7. 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.

8. **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. two court days prior to trial** to present all exhibits and a list of exhibit descriptions.

9. Opinions of experts fairly sought and revealed in deposition or other discovery shall not be supplemented at trial.

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10. 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.

11. All documents and pleadings described above shall be hand-delivered, telefaxed or e-mailed to opposing counsel on the date they are delivered to the Court.

9:06 a.m. Matter concludes.