

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2004-010126

09/29/2008

HONORABLE JOSEPH B. HEILMAN

CLERK OF THE COURT  
L. Muhammad  
Deputy

TEMPE CITY

CHARLES I KELHOFFER

v.

TINA L SINGER, et al.

JAY DUSHOFF

**JURY TRIAL SET**

The Court grants and pursuant to the parties' *Stipulation for Scheduling Order*:

- Defendant will provide to Plaintiff the expert appraisal report of Jan Sell with the new date of valuation of July 14, 2004 on or before **November 30, 2008**.
- Plaintiff will provide the Defendant the expert appraisal report of John Loper with the new date of valuation of July 14, 2008 on or before **January 31, 2009**.
- Jury Trial is set below:

IT IS ORDERED as follows:

1. Setting a **FINAL PRETRIAL MANAGEMENT CONFERENCE on March 6, 2009 at 9:00 a.m. (15 minutes) in this division.**

All parties must appear in person and cannot appear telephonically.

2. Setting a **4-day JURY TRIAL for March 31, 2009 at 10:00 a.m. in this division.**  
PLEASE NOTE: Trials do not proceed on Fridays as Fridays are Law and Motion day for this division.

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**DUTIES PRIOR TO THE FINAL PRETRIAL CONFERENCE**

3. **MOTIONS IN LIMINE.** All Motions in Limine shall be filed no later than **5:00 p.m. on January 30, 2009 (60 days prior to Trial)** and such motions must meet the test of *State v. Superior Court*, 108 Ariz. 396, 397; 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. See also, Ariz. R. Evid. 103(c). A written response to a Motion in Limine may be filed no later than ten (10) calendar days thereafter. The Court may rule on Motions in Limine without oral argument. No replies shall be filed. The parties must comply with Rule 7.2(a) Ariz.R.Civ.P., prior to filing any Motion in Limine.
4. **JOINT PRETRIAL STATEMENT.** Counsel shall deliver to the Trial Judge no later than **5:00 p.m. on February 27, 2009 (5 judicial days before the Trial Management Conference)** a copy of the **Joint Pretrial Statement** signed by all counsel.
  - a) **Deposition Summary:** In addition to the information required by Rule 16(d), counsel shall at the Final Pretrial Conference provide to the Court copies of any deposition transcripts to be read to the jury. The offering party will highlight the portions to be read, the other side will highlight Rule 106 additions, and any objections for the Court to rule on will be clearly marked in the margin. The parties are encouraged to agree on narrative summaries of deposition testimony, using brief question and answer excerpts only to emphasize very important testimony or to cover areas of testimony that cannot be summarized to the satisfaction of all counsel. No stipulation should be unreasonably refused.
  - b) **Final Trial Witnesses:** In addition to the information required by Rule 16(d), the Joint Pretrial Statement shall include an exhibit titled: **Final Trial Witness List**. This list shall contain the name of each witness a party actually intends to call at Trial, the day on which they intend to call each witness and the **estimated time needed for direct, cross and re-direct examination**.
5. **JURY INSTRUCTIONS; VOIR DIRE QUESTIONS.** Counsel shall meet and agree on as many proposed jury instructions as possible. Counsel shall deliver to the Trial Judge, with their Joint Pretrial Statement, copies of:
  - a) Proposed voir dire questions.
  - b) A joint set of agreed-upon preliminary and final jury instructions and

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**proposed forms of verdicts.**

- c) Separate sets of requested instructions that have not been agreed upon. Please read *Rosen v. Knaub*, 175 Ariz. 329; 85 P.2d 381 (1993) and the RAJI Civil 3d Statement of Purpose and Approach before preparing requests for non-RAJI instructions.

Recommended Arizona Jury Instructions (RAJI) need not be typed and may be requested in the following manner: RAJI 3d Standard 1 - Duty of Jurors. Non-RAJI instructions should be typed. Each instruction should cover only one subject.

**6. DUTIES AT FINAL PRETRIAL CONFERENCE**

Counsel shall be prepared to discuss:

- a) Time limits in voir dire, opening statements, examination of witnesses and closing arguments.
  - b) Stipulations for the foundation and authenticity of exhibits.
  - c) Preliminary jury instructions, juror notebooks (counsel shall bring any proposed juror notebooks to the conference), mini opening statements and voir dire.
  - d) Agreed-upon deposition summaries and excerpts from deposition transcripts and the editing of any videotaped depositions.
  - e) Use of Short-Trial or Summary Jury Trial.
  - f) Any special scheduling or equipment issues.
7. Counsel shall deliver exhibits to be marked to the division clerk **on or before the date set for Final Pretrial Management Conference**. The exhibits will be marked serially as they are listed in the Joint Pretrial Statement – Plaintiff's first, Defendant's second. Please advise the clerk, by signed stipulation or on the record referring specifically to the Joint Pretrial Statement, which exhibits may be marked directly into evidence. Counsel shall also meet and confer to eliminate any duplicate exhibits.

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8. One day's jury fees will be assessed unless the Court is notified of settlement before 2:00 p.m. on the judicial day before the Trial. Counsel are reminded to promptly notify the Court of any settlement pursuant to Rule 5.1(c), Ariz.R.Civ.P.
9. 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.

**HONORABLE JOSEPH B. HEILMAN  
MARICOPA COUNTY SUPERIOR COURT  
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